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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. MCCOLLUM of Minnesota).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 22, 2008.

I hereby appoint the Honorable BETTY MCCOLLUM to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

LUIS DIAZ' RETIREMENT FROM YOUTH CO-OP

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, it is my honor today to extend my congratulations to a dear constituent of my congressional district, Luis Diaz, upon his upcoming retirement as deputy director of Youth Co-Op.

He has dedicated his life to the betterment of the youth of South Florida by ensuring that they learn the necessary skills to be able to compete and to be productive members of today's society.

For more than three decades, Youth Co-Op has been a pioneer in assisting refugee children and young people in making the transition, sometimes difficult, into their new communities. Mr. Diaz' leadership and his dedication have been instrumental in helping maintain the vision of Youth Co-Op.

He is also a distinguished journalist, producer and talk show host.

He has been involved with the Miami-Dade Cultural Affairs Council as well as with the Spanish American League against Discrimination, among many other civic organizations.

Luis Diaz' proudest role, however, Madam Speaker, is that of a husband and that of a father. His love and devotion to his wife, Xiomara, and to his three children mirror his commitment to our community.

I am proud to not only call Luis Diaz a South Floridian but also my friend, all of South Florida's friend. Happy retirement, Mr. Diaz.

GLOBAL ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, the United States is the world's largest energy consumer and one of its leading producers. However, many Americans remain in the dark about the global nature of the energy crisis we have today.

As a result of the integrated nature of the world oil market, it is unlikely that any one nation acting on its own can implement policies that isolate its market from the broader price behavior.

As new major oil importers, notably China and potentially India, expand their demand, the oil market likely will have to expand production capacity, too. This promises to increase the world's dependence on the Persian Gulf members of the Organization of Petroleum Exporting Countries, especially Saudi Arabia, and to maintain upward pressure on price.

International markets set the price of oil and energy as a whole. There is nothing we can do about that. However, we can increase our own energy reserves and can lessen the effects of the global energy market, but we must keep the proper perspective about our energy supplies.

Now, so-called alternative fuels, including wind, solar, fuel cells, ethanol, and biodiesel, indeed, hold great promise for the future, but right now, they are expensive and are currently useful only in small-scale applications. I hope this will change. Wind and solar power, for example, are intermittent and are unpredictable. Because electricity cannot be stored on a large scale, wind and solar are unsuitable as 24-hour-a-day sources of energy.

Even though government forecasts show more than a 50 percent increase in renewable energy used by 2030, the renewable share of the total energy pie will rise from only 6 to 7 percent during that period. At this stage, it would be more accurate to call these ''supplemental'' rather than ''alternative'' energy sources. They are simply not ready to replace the fossil fuels that currently account for about 80 percent of the world's energy supply.

We need an effective national policy that supersedes the existing patchwork of different State laws and regulations, one that allows us to tap all of our energy supply options, to promote greater reliance on conservation and efficiency and to foster a business environment conducive to market competition and timely investment in new energy infrastructure.

Current projections indicate that, shortly after 2040, the United States will exceed 400 million people and that the world will exceed 9 billion people. This steady climb has major implications for the U.S. energy industry. Each new person will put additional demands on the system, requiring more electricity and natural gas to run their homes and businesses and gasoline or other liquid fuels to transport them.

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Although its forecasts do not quite go that far, according to the U.S. Energy Information Administration, electricity over the next 25 years is expected to jump by 50 percent. Now, similarly, domestic oil consumption is expected to grow about 1 percent a year with U.S. oil consumption climbing by one-third, from 21 million barrels a day to 28 million barrels a day. The U.S. addiction to oil is strong and growing.

We are not alone in our thirst for oil. Global demand for oil is also forecasted to increase by nearly 50 percent by the year 2030. The emergence of China and of India as economic powers is a leading cause of that growth. Their mushrooming demand for oil and for other forms of energy is reshaping global markets and is creating new geopolitical alliances and security concerns along the way.

These are significant increases, and we must plan now to meet this future energy demand or run the risk of undercutting the economic engine that drives the world's economy.

Because of the global nature of the energy crisis, there are no quick fixes or silver bullets to remedy this problem. However, this Congress must not sit idly by and watch the price of energy bankrupt American families. We must make finding a meaningful multilateral approach to our energy problem this year Congress' top priority. We need to do it now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

There are many different gifted persons assembled here in the 110th Congress, but there is one Spirit Who has called all of them to serve. There are many different committees and different concerns for the House of Representatives to address; but there is one Lord over all. There are different works; but all are centered on the one aspiration of equal justice under the law. There are different activities each day here on Capitol Hill; but there is one God and Father of all, Who is present and active in all. For to each person there is given a manifestation of the Spirit, and this is given for the common good of the Nation. May God be praised in our diversity and in our unity now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. SCOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. SCOTT of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 22, 2008, at 1:03 p.m.:

That the Senate passed S. 2766.

That the Senate passed S. 3298.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2565) to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Law Enforcement Congressional Badge of Bravery Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL AGENCY HEAD.—The term ''Federal agency head'' means the head of any executive, legislative, or judicial branch Government entity that employs Federal law enforcement officers.

(2) FEDERAL BOARD.—The term ''Federal Board'' means the Federal Law Enforcement Congressional Badge of Bravery Board established under section 103(a).

(3) FEDERAL BOARD MEMBERS.—The term ''Federal Board members'' means the members of the Federal Board appointed under section 103(c).

(4) FEDERAL LAW ENFORCEMENT BADGE.—The term ''Federal Law Enforcement Badge'' means the Federal Law Enforcement Congressional Badge of Bravery described in section 101.

(5) FEDERAL LAW ENFORCEMENT OFFICER.—The term ''Federal law enforcement officer''—

(A) means a Federal employee—

(i) who has statutory authority to make arrests or apprehensions;

(ii) who is authorized by the agency of the employee to carry firearms; and

(iii) whose duties are primarily—

(I) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(II) the protection of Federal, State, local, or foreign government officials against threats to personal safety; and

(B) includes a law enforcement officer employed by the Amtrak Police Department or Federal Reserve.

(6) OFFICE.—The term ''Office'' means the Congressional Badge of Bravery Office established under section 301(a).

(7) STATE AND LOCAL BOARD.—The term ''State and Local Board'' means the State and Local Law Enforcement Congressional Badge of Bravery Board established under section 203(a).

(8) STATE AND LOCAL BOARD MEMBERS.—The term ''State and Local Board members'' means the members of the State and Local Board appointed under section 203(c).

(9) STATE AND LOCAL LAW ENFORCEMENT BADGE.—The term ''State and Local Law Enforcement Badge'' means the State and Local Law Enforcement Congressional Badge of Bravery described in section 201.

(10) STATE OR LOCAL AGENCY HEAD.—The term ''State or local agency head'' means the head of any executive, legislative, or judicial branch entity of a State or local government that employs State or local law enforcement officers.

(11) STATE OR LOCAL LAW ENFORCEMENT OFFICER.—The term ''State or local law enforcement officer'' means an employee of a State or local government—

(A) who has statutory authority to make arrests or apprehensions;

(B) who is authorized by the agency of the employee to carry firearms; and

(C) whose duties are primarily—

(i) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(ii) the protection of Federal, State, local, or foreign government officials against threats to personal safety.

TITLE I—FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY

SEC. 101. AUTHORIZATION OF A BADGE.

The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a Federal Law Enforcement Congressional Badge of Bravery to a Federal law enforcement officer who is cited by the Attorney General, upon the recommendation of the Federal Board, for performing an act of bravery while in the line of duty.

SEC. 102. NOMINATIONS.

(a) IN GENERAL.—A Federal agency head may nominate for a Federal Law Enforcement Badge an individual—

(1) who is a Federal law enforcement officer working within the agency of the Federal agency head making the nomination; and

(2) who—

(A)(i) sustained a physical injury while—

(I) engaged in the lawful duties of the individual; and

(II) performing an act characterized as bravery by the Federal agency head making the nomination; and

(ii) put the individual at personal risk when the injury described in clause (i) occurred; or

(B) while not injured, performed an act characterized as bravery by the Federal agency head making the nomination that placed the individual at risk of serious physical injury or death.

(b) CONTENTS.—A nomination under subsection (a) shall include—

(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;

(2) the full name of the nominee;

(3) the home mailing address of the nominee;

(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);

(5) the occupational title and grade or rank of the nominee;

(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and

(7) the number of years of Government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).

(c) SUBMISSION DEADLINE.—A Federal agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).

SEC. 103. FEDERAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Federal Law Enforcement Congressional Badge of Bravery Board.

(b) DUTIES.—The Federal Board shall do the following:

(1) Design the Federal Law Enforcement Badge with appropriate ribbons and appurtenances.

(2) Select an engraver to produce each Federal Law Enforcement Badge.

(3) Recommend recipients of the Federal Law Enforcement Badge from among those nominations timely submitted to the Office.

(4) Annually present to the Attorney General the names of Federal law enforcement officers who the Federal Board recommends as Federal Law Enforcement Badge recipients in accordance with the criteria described in section 102(a).

(5) After approval by the Attorney General—

(A) procure the Federal Law Enforcement Badges from the engraver selected under paragraph (2);

(B) send a letter announcing the award of each Federal Law Enforcement Badge to the Federal agency head who nominated the recipient of such Federal Law Enforcement Badge;

(C) send a letter to each Member of Congress representing the congressional district where the recipient of each Federal Law Enforcement Badge resides to offer such Member an opportunity to present such Federal Law Enforcement Badge; and

(D) make or facilitate arrangements for presenting each Federal Law Enforcement Badge in accordance with section 104.

(6) Set an annual timetable for fulfilling the duties described in this subsection.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Federal Board shall be composed of 7 members appointed as follows:

(A) One member jointly appointed by the majority leader and minority leader of the Senate.

(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.

(C) One member from the Department of Justice appointed by the Attorney General.

(D) Two members of the Federal Law Enforcement Officers Association appointed by the Executive Board of the Federal Law Enforcement Officers Association.

(E) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.

(2) LIMITATION.—Not more than—

(A) 2 Federal Board members may be members of the Federal Law Enforcement Officers Association; and

(B) 2 Federal Board members may be members of the Fraternal Order of Police.

(3) QUALIFICATIONS.—Federal Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of Federal law enforcement.

(4) TERMS AND VACANCIES.—Each Federal Board member shall be appointed for 2 years and may be reappointed. A vacancy in the Federal Board shall not affect the powers of the Federal Board and shall be filled in the same manner as the original appointment.

(d) OPERATIONS.—

(1) CHAIRPERSON.—The Chairperson of the Federal Board shall be a Federal Board member elected by a majority of the Federal Board.

(2) MEETINGS.—The Federal Board shall conduct its first meeting not later than 90 days after the appointment of a majority of Federal Board members. Thereafter, the Federal Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) VOTING AND RULES.—A majority of Federal Board members shall constitute a quorum to conduct business, but the Federal Board may establish a lesser quorum for conducting hearings scheduled by the Federal Board. The Federal Board may establish by majority vote any other rules for the conduct of the business of the Federal Board, if such rules are not inconsistent with this title or other applicable law.

(e) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Federal Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the Federal Board considers appropriate to carry out the duties of the Federal Board under this title. The Federal Board may administer oaths or affirmations to witnesses appearing before it.

(B) WITNESS EXPENSES.—Witnesses requested to appear before the Federal Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Federal Board.

(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—

(A) the Federal Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and

(B) upon request of the Federal Board, the head of that department or agency shall furnish the information to the Federal Board.

(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The Federal Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each Federal Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such Federal Board member is engaged in the performance of the duties of the Federal Board.

(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—Federal Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the Federal Board.

(3) TRAVEL EXPENSES.—Each Federal Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 104. PRESENTATION OF FEDERAL LAW ENFORCEMENT BADGES.

(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a Federal Law Enforcement Badge to any Federal Law Enforcement Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a Federal Law Enforcement Badge, such Senator and Representative shall make a joint presentation.

(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the Federal Law Enforcement Badge as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such Federal Law Enforcement Badge.

(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each Federal Law Enforcement Badge may make arrangements for the presentation of such Federal Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The Federal Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the Federal Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY

SEC. 201. AUTHORIZATION OF A BADGE.

The Attorney General may award, and a Member of Congress or the Attorney General may present, in the name of Congress a State and Local Law Enforcement Congressional Badge of Bravery to a State or local law enforcement officer who is cited by the Attorney General, upon the recommendation of the State and Local Board, for performing an act of bravery while in the line of duty.

SEC. 202. NOMINATIONS.

(a) IN GENERAL.—A State or local agency head may nominate for a State and Local Law Enforcement Badge an individual—

(1) who is a State or local law enforcement officer working within the agency of the State or local agency head making the nomination; and

(2) who—

(A)(i) sustained a physical injury while—

(I) engaged in the lawful duties of the individual; and

(II) performing an act characterized as bravery by the State or local agency head making the nomination; and

(ii) put the individual at personal risk when the injury described in clause (i) occurred; or

(B) while not injured, performed an act characterized as bravery by the State or local agency head making the nomination that placed the individual at risk of serious physical injury or death.

(b) CONTENTS.—A nomination under subsection (a) shall include—

(1) a written narrative, of not more than 2 pages, describing the circumstances under which the nominee performed the act of bravery described in subsection (a) and how the circumstances meet the criteria described in such subsection;

(2) the full name of the nominee;

(3) the home mailing address of the nominee;

(4) the agency in which the nominee served on the date when such nominee performed the act of bravery described in subsection (a);

(5) the occupational title and grade or rank of the nominee;

(6) the field office address of the nominee on the date when such nominee performed the act of bravery described in subsection (a); and

(7) the number of years of government service by the nominee as of the date when such nominee performed the act of bravery described in subsection (a).

(c) SUBMISSION DEADLINE.—A State or local agency head shall submit each nomination under subsection (a) to the Office not later than February 15 of the year following the date on which the nominee performed the act of bravery described in subsection (a).

SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CONGRESSIONAL BADGE OF BRAVERY BOARD.

(a) ESTABLISHMENT.—There is established within the Department of Justice a State and Local Law Enforcement Congressional Badge of Bravery Board.

(b) DUTIES.—The State and Local Board shall do the following:

(1) Design the State and Local Law Enforcement Badge with appropriate ribbons and appurtenances.

(2) Select an engraver to produce each State and Local Law Enforcement Badge.

(3) Recommend recipients of the State and Local Law Enforcement Badge from among those nominations timely submitted to the Office.

(4) Annually present to the Attorney General the names of State or local law enforcement officers who the State and Local Board recommends as State and Local Law Enforcement Badge recipients in accordance with the criteria described in section 202(a).

(5) After approval by the Attorney General—

(A) procure the State and Local Law Enforcement Badges from the engraver selected under paragraph (2);

(B) send a letter announcing the award of each State and Local Law Enforcement Badge to the State or local agency head who nominated the recipient of such State and Local Law Enforcement Badge;

(C) send a letter to each Member of Congress representing the congressional district where the recipient of each State and Local Law Enforcement Badge resides to offer such Member an opportunity to present such State and Local Law Enforcement Badge; and

(D) make or facilitate arrangements for presenting each State and Local Law Enforcement Badge in accordance with section 204.

(6) Set an annual timetable for fulfilling the duties described in this subsection.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The State and Local Board shall be composed of 9 members appointed as follows:

(A) One member jointly appointed by the majority leader and minority leader of the Senate.

(B) One member jointly appointed by the Speaker and minority leader of the House of Representatives.

(C) One member from the Department of Justice appointed by the Attorney General.

(D) Two members of the Fraternal Order of Police appointed by the Executive Board of the Fraternal Order of Police.

(E) One member of the National Association of Police Organizations appointed by the Executive Board of the National Association of Police Organizations.

(F) One member of the National Organization of Black Law Enforcement Executives appointed by the Executive Board of the National Organization of Black Law Enforcement Executives.

(G) One member of the International Association of Chiefs of Police appointed by the Board of Officers of the International Association of Chiefs of Police.

(H) One member of the National Sheriffs' Association appointed by the Executive Committee of the National Sheriffs' Association.

(2) LIMITATION.—Not more than 5 State and Local Board members may be members of the Fraternal Order of Police.

(3) QUALIFICATIONS.—State and Local Board members shall be individuals with knowledge or expertise, whether by experience or training, in the field of State and local law enforcement.

(4) TERMS AND VACANCIES.—Each State and Local Board member shall be appointed for 2 years and may be reappointed. A vacancy in the State and Local Board shall not affect the powers of the State and Local Board and shall be filled in the same manner as the original appointment.

(d) OPERATIONS.—

(1) CHAIRPERSON.—The Chairperson of the State and Local Board shall be a State and Local Board member elected by a majority of the State and Local Board.

(2) MEETINGS.—The State and Local Board shall conduct its first meeting not later than 90 days after the appointment of a majority of State and Local Board members. Thereafter, the State and Local Board shall meet at the call of the Chairperson, or in the case of a vacancy of the position of Chairperson, at the call of the Attorney General.

(3) VOTING AND RULES.—A majority of State and Local Board members shall constitute a quorum to conduct business, but the State and Local Board may establish a lesser quorum for conducting hearings scheduled by the State and Local Board. The State and Local Board may establish by majority vote any other rules for the conduct of the business of the State and Local Board, if such rules are not inconsistent with this title or other applicable law.

(e) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The State and Local Board may hold hearings, sit and act at times and places, take testimony, and receive evidence as the State and Local Board considers appropriate to carry out the duties of the State and Local Board under this title. The State and Local Board may administer oaths or affirmations to witnesses appearing before it.

(B) WITNESS EXPENSES.—Witnesses requested to appear before the State and Local Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the State and Local Board.

(2) INFORMATION FROM FEDERAL AGENCIES.—Subject to sections 552, 552a, and 552b of title 5, United States Code—

(A) the State and Local Board may secure directly from any Federal department or agency information necessary to enable it to carry out this title; and

(B) upon request of the State and Local Board, the head of that department or agency shall furnish the information to the State and Local Board.

(3) INFORMATION TO BE KEPT CONFIDENTIAL.—The State and Local Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State and Local Board member shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such State and Local Board member is engaged in the performance of the duties of the State and Local Board.

(2) PROHIBITION OF COMPENSATION FOR GOVERNMENT EMPLOYEES.—State and Local Board members who serve as officers or employees of the Federal Government or a State or a local government may not receive additional pay, allowances, or benefits by reason of their service on the State and Local Board.

(3) TRAVEL EXPENSES.—Each State and Local Board member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 204. PRESENTATION OF STATE AND LOCAL LAW ENFORCEMENT BADGES.

(a) PRESENTATION BY MEMBER OF CONGRESS.—A Member of Congress may present a State and Local Law Enforcement Badge to any State and Local Law Enforcement Badge recipient who resides in such Member's congressional district. If both a Senator and Representative choose to present a State and Local Law Enforcement Badge, such Senator and Representative shall make a joint presentation.

(b) PRESENTATION BY ATTORNEY GENERAL.—If no Member of Congress chooses to present the State and Local Law Enforcement Badge

as described in subsection (a), the Attorney General, or a designee of the Attorney General, shall present such State and Local Law Enforcement Badge.

(c) PRESENTATION ARRANGEMENTS.—The office of the Member of Congress presenting each State and Local Law Enforcement Badge may make arrangements for the presentation of such State and Local Law Enforcement Badge, and if a Senator and Representative choose to participate jointly as described in subsection (a), the Members shall make joint arrangements. The State and Local Board shall facilitate any such presentation arrangements as requested by the congressional office presenting the State and Local Law Enforcement Badge and shall make arrangements in cases not undertaken by Members of Congress.

TITLE III—CONGRESSIONAL BADGE OF BRAVERY OFFICE

SEC. 301. CONGRESSIONAL BADGE OF BRAVERY OFFICE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Congressional Badge of Bravery Office.

(b) DUTIES.—The Office shall—

(1) receive nominations from Federal agency heads on behalf of the Federal Board and deliver such nominations to the Federal Board at Federal Board meetings described in section 103(d)(2);

(2) receive nominations from State or local agency heads on behalf of the State and Local Board and deliver such nominations to the State and Local Board at State and Local Board meetings described in section 203(d)(2); and

(3) provide staff support to the Federal Board and the State and Local Board to carry out the duties described in section 103(b) and section 203(b), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to rise in strong support of S. 2565, the Law Enforcement Congressional Badge Bravery Act of 2008.

This excellent measure establishes a formal process by which Congress will be able to recognize acts of bravery of all of our Nation's law enforcement officers who become injured in the course of their duties.

Of the more than 70 Federal law enforcement agencies, only two have an awards programs to recognize their officers. Such scant recognition for the sacrifices that these officers make is simply unacceptable.

This legislation builds on legislation the House passed in April, H.R. 4056, authored by the gentleman from Indiana (Mr. ELLSWORTH), to accord Congressional recognition for the dangers Federal law enforcement officers face for our safety each day. H.R. 4056 would have established a meaningful and long-overdue system to honor deserving officers.

S. 2565 takes a somewhat different approach. It extends recognition for State and local law enforcement officers, as well as Federal officers, injured in the line of duty. A Member of Congress or the Attorney General would be authorized to present, on behalf of Congress, a Congressional Badge of Bravery not only to Federal officers but also to any State or local officers cited by the Attorney General based upon the recommendation of a board established by this measure.

Mr. Speaker, the men and women in law enforcement, like many hard-working public servants, must work long and often irregular hours unlike other public servants. However, law enforcement officers undertake their responsibilities with the full knowledge that they are at risk of severe injury or worse, and it is fitting that we honor these officers for whom the risk becomes the reality. S. 2565 will now accord these brave men and women formal Congressional recognition, an honor that is so much deserved.

I want to thank the gentleman from Indiana (Mr. ELLSWORTH) and the Senator from Delaware (Mr. BIDEN) for their leadership in this important legislation, and I encourage my colleagues to support it.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2565, the Law Enforcement Congressional Badge of Bravery Act of 2008. The House passed similar legislation earlier this year to honor the men and women of law enforcement who are injured in the line of duty.

America's law enforcement officers protect our communities from street gangs and drug dealers, investigate bank robberies and kidnappings, and apprehend violent criminals. From a simple traffic stop to a complex counterterrorism investigation, our Federal, State, and local police forces put their lives on the line every day. They don't seek fame or recognition, and when honored for their bravery and sacrifice, they will simply say, ''just doing our job.''

There are more than 100,000 Federal law enforcement officers and 900,000 State and local law enforcement officers employed across our nation. And each year approximately 150 of these Federal officers and 160,000 State and local officers are injured in the line of duty.

S. 2565 establishes the Congressional Badge of Bravery to honor these brave men and women. The Congressional Badge of Bravery pays tribute to law enforcement officers who demonstrate bravery in performance of their duties, face personal risk to their own safety, and were injured in the line of duty.

S. 2565 establishes a seven-member Badge of Bravery Board within the Department of Justice. The board is charged with designing the badge, recommending recipients, and coordinating the presentation of the award for Federal law enforcement officers.

S. 2565 also establishes a State and Local Law Enforcement Congressional Badge of Bravery Board within the Department to oversee the presentation of the badge to State troopers, county sheriffs, and local police officers.

America's law enforcement officers risk their lives to protect our families and keep our communities safe. Honoring these acts of bravery is the least we can do to recognize the commitment and sacrifice of those injured in the line of duty.

Mr. Speaker, I heard a Sunday morning service just yesterday, and the preacher asked his audience to imagine where we would be without mechanics and without electricians. He chose those two because, by his own admission, he was inept in those areas, as am I. If there are no mechanics or electricians, I'm out of luck, Mr. SCOTT, and I empathize with him on that.

I think by the same token, think where we would be in this country and in this world without law enforcement and without firefighters. These are some oftentimes professions that we may take lightly and for granted, but indeed we should not because they are indeed significant to our well-being.

I share with my friend from Virginia (Mr. SCOTT) in urging my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 2565 to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers. This bill will provide a mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers. In sum this bill provides a mechanism to honor for their service and bravery.

There are more than 900,000 sworn law enforcement officers serving in the United States; the highest figure ever. On average, more than 56,000 law enforcement officers are assaulted each year, resulting in over 16,000 injuries with an average of 150 of those injuries sustained by Federal law enforcement officers. While members of the military receive the Purple Heart when wounded or killed, most Federal law enforcement officers receive no such commendation for their sacrifice. In fact, of the over 70 Federal agencies that employ Federal law enforcement agents, only two agencies award medals and commendations for physical injuries.

This must change. Both the military and our law enforcement officers protect the citizens of our great country every single day. If we can acknowledge the sacrifices made by the military, we can recognize those made by law enforcement.

It is time for all of our law enforcement officers to receive the recognition they deserve. This bill authorizes the Attorney General to award a Congressional Badge of Bravery to a Federal law enforcement officer who sustains a physical injury in the line of duty and to

award a State and Local Law Enforcement Congressional Badge of Bravery to a State or local law enforcement officer who is cited by the Attorney General for performing such an act of bravery while in the line of duty.

I urge my colleagues to pass this legislation and support the law enforcement community. I would also note that this bill has support from both the Federal Law Enforcement Officers Association and the Fraternal Order of Police, organizations with over 26,000 and 325,000 members, respectively. These men and women serve our country every single day, working to keep us safe from threats ranging from terrorists to petty thieves. It is our duty to see that they receive the recognition they so rightly deserve.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the Senate bill, S. 2565.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VESSEL HULL DESIGN PROTECTION AMENDMENTS OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6531) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This Act may be cited as the ''Vessel Hull Design Protection Amendments of 2008''.

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).''.

(c) EXCEPTIONS.—Section 1301(a) of title 17, United States Code, is amended by adding at the end the following:

''(3) EXCEPTIONS.—Department of Defense rights in a registered design under this chapter, including the right to build to such registered design, shall be determined solely by operation of section 2320 of title 10 or by the instrument under which the design was developed for the United States Government.''.

(d) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''vessel hull, including a plug or mold,'' and inserting ''vessel hull or deck, including a plug or mold,'';

(2) by striking paragraph (4) and inserting the following:

''(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.''; and

(3) by adding at the end the following:

''(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6531, the Vessel Hull Design Protection Amendments of 2008, makes technical corrections to the 1998 Vessel Hull Design Protection Act for the purpose of clarifying Congress' intent that the design of an original vessel hull, separate from a vessel deck, may be protected.

In 1998, the Vessel Hull Design Protection Act established sui generis intellectual property protection for original vessel hull designs. That Act sought to address the problems of copycats who make molds of popular boat designs in order to produce knock-off versions. These knock-offs obviously cut into the market of the original manufacturers who had invested substantial time and resources in designing and testing their boats. Nevertheless, some copycats—mostly operating overseas—have exploited a flaw in the language of the 1998 Act.

As defined in the Act, a protected ''hull'' consists of both the hull and deck of a vessel. In determining infringement, the courts have interpreted this to mean that an allegedly infringing design must be substantially similar to both the hull and the deck of the protected design taken together. This means that a vessel with a hull identical to a protected design but with a different deck is not considered an infringement. This loophole has allowed copycats to continue to take and use popular hull designs of others with impunity.

To correct the problem, H.R. 6531 explicitly extends protection to a hull, a deck, or both, as the original manufacturer chooses. If a manufacturer elects to protect just the hull, infringement will be judged based on whether the hull of the alleged infringer is substantially similar. The same applies also if only the deck is protected.

If a manufacturer elects to protect both the hull and the deck, infringement will continue to be judged on whether the combined hull and deck design is substantially similar.

□ 1415

It is anticipated that the Copyright Office will promulgate regulations and a registration form that will clearly indicate that a deck, a hull, or hull-and-deck combination can be protected in one application.

H.R. 6531 also amends the 1998 Act to ensure that any vessel manufactured by or on behalf of the Department of Defense is governed by that agency's general procurement law, notwithstanding vessel hull design protection.

Passage of H.R. 6531 will finally provide boat manufacturers with the protection that Congress intended to give them a decade ago.

And one point, Mr. Speaker, the bill does not address the problem of fashion design policy that is hurting U.S. designers. But given the complexity of developing the appropriate protection scheme for fashion designs, it would be better addressed in a more thorough manner the next Congress.

So I urge my colleagues to support this important measure this time.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I, too, rise in support of H.R. 6531, the Vessel Hull Design Protection Amendments Act of 2008, and urge its passage by the House. I'll try not be too detailed, Mr. Speaker, but the subject matter invites some detail.

I understand this bill is better informed through a review of the underlying statute, the Vessel Hull Design Protection Act, which Congress passed as part of the Digital Millennium Copyright Act in 1998. Chairman HOWARD BERMAN, the distinguished gentleman from California, and I were the primary sponsors of the Digital Millennium Copyright Act of that year.

Boat manufacturers invest significant resources in the design and development of safe, structurally sound, and often high-performance boat hull designs. Including research and development costs, a boat manufacturer may invest as much as $50,000 to produce a design from which one line of vessels can be manufactured.

When a boat hull is designed and the design engineering and tooling process is complete, the engineers then develop a boat plug from which they construct a boat mold. The manufacturer constructs a particular line of boats from this mold.

Unfortunately, those individuals intent on stealing an original boat design can simply use a finished boat hull in place of the manufacturer's plug to develop a mold. This practice is referred to in the trade as splashing a mold. The copied mold can then be used to create a line of vessels with a hull seemingly identical to that appropriated from the design manufacturer.

Hull splashing is a problem for consumers as well as manufacturers in boat design firms. Consumers who purchase these knock-off boats are defrauded in the sense that they are not

benefiting from the many attributes of hull design, other than shape, that are structurally relevant, including those related to quality and safety.

It is also highly unlikely that a consumer will know if a boat had been copied from an existing design. More importantly for the purposes of promoting intellectual property rights, if manufacturers are not permitted to recoup at least some of their research and development costs, they may no longer invest in new, innovative boat designs that boaters eagerly await.

In response to this problem and a Supreme Court case called Bonito Boats that prohibits State action on the matter, we wrote the Vessel Hull Design Protection Act a decade ago. The statute has functioned well during this time, but its continued viability is complicated by an eleventh circuit opinion, Maverick Boat Company v. American Marine Holding.

Maverick involves a dispute under the vessel hull statute between two marine manufacturers. Unfortunately, the holding of the case has created a loophole that knock-off manufacturers may well exploit. Because the statute protects the design of a vessel hull, and a hull is defined as the frame or body of a vessel, including the deck, exclusive of masts, sails, yards, and rigging, the court presumably reasoned that a hull must be examined in its totality. In other words, when assessing the design attributes of a hull under the statute, one may not examine its components, meaning the frame or body and the deck, separately.

This reasoning subverts Congress' intent when we passed the Vessel Hull Design Protection Act. At the time, proponents of reform were responding to the Supreme Court's ruling in Bonito Boats, which struck down State plug-mold statutes that effectively banned hull splashing as a method for copying hull designs. That is, the very practice, that is, hull splashing, that Congress sought to prescribe in 1998 would, in part, be legitimized by the eleventh circuit's decision in the Maverick case.

In brief, H.R. 6531 cures this problem by amending the definition of vessel hulls. The new definition will prevent knock-off manufacturers from indulging in hull splashing or misappropriation of either an original design of a hull or a deck. The bill specifies that only the hull's exterior frame or body is protected and clarifies other terms under the statute.

Importantly, H.R. 6531 contains a provision that was omitted from an earlier draft, S. 1640, that the other body passed last October. The new provision creates an exception to the vessel hull statute for the Armed Forces. This is necessary because the United States Navy, the United States Coast Guard, and perhaps the United States Marines, often have vessels built to specifications. It is not unthinkable that a vessel constructed for use by the Armed Forces might infringe a registered design.

Nothing in the legislative history of the statute suggests that Congress intended to complicate national security in any way. This is especially true since a separate provision of the U.S. Code, section 2320 of title X, addresses the rights of the Armed Forces and private parties to use patented inventions, copyrighted works, and technical data related to defense projects.

H.R. 6531, therefore, ensures this provision or a contract between the government and relevant third parties will determine the rights of the Armed Forces in a registered hull design.

Mr. Speaker, this is a noncontroversial bill that has received process in the form of hearings in this Congress, as well as the 109th Congress. It is a technical fix that allows the Vessel Hull Design Protection Act to operate as Congress intended.

I urge my colleagues to support H.R. 6531.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 6531, the Vessel Hull Design Protection Amendments of 2008. This bill amends the United States Code, in the section relating to the vessel hull design protection, to clarify the definitions of a hull and a deck.

Industrial designs, like other forms of intellectual property, originated in Europe and have a long history. The objective of industrial design protection is similar to other intellectual property protections: promoting the creation of new, unique, and appealing designs for products by granting exclusive economic rights for a limited time. Many countries have established industrial design laws that are separate and distinct from other forms of intellectual property rights. The United States provides protection for industrial designs through design patents, trade redress, copyright and vessel hull design protection.

There have been several efforts to provide a sui generis form of protection for industrial designs at least since the 1976 Copyright Act. However, it was not until 1998 that some limited success in these efforts took the form of the Vessel Hull Design Protection Act. This Act was passed as part of the Digital Millennium Copyright Act. While the scope of protection in the Act was limited to vessel hulls, the act took much of its language and structure from previous legislative proposals establishing a general design right.

The Vessel Hull Design Protection Act grants exclusive rights to the design of an original vessel hull. To be original, a vessel hull design must be a non-trivial variation over prior vessel hulls, which is the result of the designer's creative endeavor and is not copied from another source. The Vessel Hull Design Protection Act does not provide any protection to non-original designs, staple or commonplace designs, and designs dictated solely by utilitarian function. The Vessel Hull Design Protection Act defines a ''hull'' as the frame or body of a vessel, including a deck.

Significantly, H.R. 6531, makes changes to this Act and excludes ''deck'' from the definition of a ''hull''. By H.R. 6531, ''hull'' is simply defined as the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments. The ''deck'' is defined as the horizontal surface of the vessel that covers the hull.

This refined definition should add more clarity to vessel hull protection. To secure vessel hull design protection, an application for the design must be submitted to the Copyright Office that sets forth the salient features of the design. According to the Copyright Office, applicants generally provided only a minimal description and rely heavily upon references to photographs they provide in their applications to define the designs they want protected. The Copyright Office must then decide whether the application, on its face, appears to be subject to protection. The definitional change provided by H.R. 6531 should simplify this process.

The Copyright Office's review focuses upon on making sure formal requirements are met, such as ensuring that the subject is a vessel and not a car, for instance. The review does not, however, look at the compliance with substantive requirements such as determining whether the design is original.

A registered vessel hull design gives the designer exclusive rights to make, sell, import, or use in trade, vessel hulls embodying the design. Certainly, the definitional change will make it easier to determine the design of the vessel and to ascertain whether any infringement has occurred. An infringing hull design is one that has been copied without the consent of the designer. A vessel hull design will not be considered copied if it is original and not substantially similar in appearance to a protected vessel hull design. When infringement is proven, a vessel hull designer may seek injunctive relief and either damages adequate to compensate for the infringement or the infringer's profits.

Mr. Speaker, I urge my colleagues to support H.R. 6531 because it simplifies the definition of a hull and makes it easier to determine whether there has been infringement.

Mr. COBLE. I have no further requests for time, Mr. Speaker, so I yield back my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6531.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

JULY 22, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 22, 2008, at 10:21 a.m.:

That the Senate passed S. 901.

That the Senate passed S. 3294.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONGRATULATING ENSIGN DECAROL DAVIS

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1241) congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1241

Whereas Ensign DeCarol Davis is the first African American female to serve as the valedictorian of the Coast Guard Academy;

Whereas Ensign Davis is from Woodbridge, Virginia, and was the 2004 Forest Park High School valedictorian;

Whereas Ensign Davis's academic and military achievements at the Coast Guard Academy in a class of more than 200 cadets earned her the honor of graduating as valedictorian of the Coast Guard Academy's class of 2008;

Whereas Ensign Davis's accomplishments include selection as a 2007 Truman Scholar, receipt of the 2008 Connecticut Technology Council Women of Innovation Award, selection as a 2006 Arthur Ashe, Jr. Womens Basketball First Team Sports Scholar, and selection to the 2007 ESPN The Magazine Academic All-District I College Women's Basketball First Team;

Whereas Ensign Davis's community outreach during her four years at the Coast Guard Academy significantly impacted the lives of others, including those at a local elementary school where Ensign Davis wrote and directed a play that introduced engineering as a career to the students;

Whereas the Coast Guard Academy serves a critical role in training future leaders of the Coast Guard to carry out the service's missions, including protecting the lives and safety of those at sea and ensuring the safe operation of the marine transportation system; protecting the United States ports, waterways, and coastal communities and defending the United States homeland and United States national interests against hostile acts; enforcing United States maritime sovereignty and United States law, international conventions, and treaties including securing our borders against unlawful aliens and drugs; safeguarding United States marine resources; and responding to the threat of terrorism at ports and incidents of national significance, including transportation security incidents, to preserve life and to ensure the continuity of commerce and critical port and waterway functions;

Whereas the Coast Guard Academy has few minorities within the cadet population;

Whereas on April 24, 2008, the House of Representatives approved H.R. 2830, the Coast Guard Authorization Act of 2008, which included several provisions to improve the diversity of the Coast Guard Academy; and

Whereas Ensign Davis gave her valedictorian address on May 21, 2008: Now therefore be it

Resolved, That the House of Representatives—

(1) congratulates Ensign DeCarol Davis for becoming the first African American to serve as valedictorian of the Coast Guard Academy; and

(2) encourages the Coast Guard to seek diverse candidates for the cadet corps at the Coast Guard Academy and to continue to train and graduate cadets of a quality that the Coast Guard needs to fulfill each of its missions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 1241.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. I yield myself such time as I may consume.

Ensign DeCarol Davis was the valedictorian of the Coast Guard Academy, Class of 2008, the first African American to graduate as valedictorian of the Coast Guard Academy. But this is not the first time that Ensign Davis graduated at the top of her class. She was valedictorian of Forest Park High School, Woodbridge, Virginia, in 2004.

Ensign Davis is a very impressive young lady, a Truman Scholar. She won the 2008 Connecticut Technology Council Women of Innovation Award. She is a standout basketball player. She was a 2006 Arthur Ashe, Jr. Women's Basketball First Team Sports Scholar, and she was selected to the ESPN The Magazine Academic All-District I College Women's Basketball First Team.

She's now a commissioned officer in the Coast Guard. Ensign Davis will join 41,000 men and women wearing that unique color of blue, enforcing the Nation's laws on our waterways, making the waterways safe as well as secure, and has chosen to begin her career in the Coast Guard Marine Safety Program. I'm delighted to see that future leaders of the Coast Guard value that program.

I was at the Coast Guard Academy just 3 months ago, met with the Commandant of Cadets and the director of the academic program at the Coast Guard Academy, met with several of the cadets and sat in on one of the classes. And I must say each time I do, each time I hold a session with the Coast Guard, and each time I meet the cadets, I have enormous confidence in the future of the Coast Guard and its service to boating, to maritime safety, and to the future needs of the Coast Guard and our country.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1241 recognizes Ensign DeCarol Davis for her extraordinary achievements as a cadet at the United States Coast Guard Academy. Ensign Davis graduated in May of this year as the valedictorian of her class of 2008, and is currently stationed with the Prevention Department at Coast Guard Sector New York.

During her 4 years as a cadet, Ensign Davis was selected as the Academy's first Truman Scholar, honored as the 2007 Arthur Ashe, Jr. Female Sports Scholar of the Year, and served as the president of her Academy class. Ensign Davis also became very involved with student activities on campus and in the surrounding community of New London.

Ensign Davis is a shining example of the quality of men and women who make up the leaders and ranks of our Coast Guard, and I hope that the House's action today will encourage our young people to learn more about the Coast Guard Academy and the Coast Guard.

I support this resolution honoring Ensign Davis for her achievements.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON).

□ 1430

Mr. THOMPSON of Mississippi. Mr. Speaker, today I rise in support of legislation I authored to recognize a remarkable young woman, Ensign DeCarol Davis.

On May 21, 2008, Ensign Davis graduated from the Coast Guard Academy with a grade point average of 3.96 in electrical engineering. She earned the distinction of being the first African American valedictorian of the Coast Guard Academy.

The Coast Guard Academy was founded in 1876, but the first African American did not graduate from the institution until 1966. Women were not admitted to the school until 1976. Today, we honor Ensign Davis, who, through her hard work and perseverance, accomplished what no African American has done before her, she achieved the Academy's highest honor.

This achievement is remarkable, given that over the past three decades the number of minorities graduating from the Coast Guard Academy has not kept pace with the other military service academies. Legislation approved by the House earlier this year, Mr. Speaker, would bring about more diversity within the Coast Guard Academy by allowing Members of Congress to nominate individuals for this academy, just as we do all other military service academies.

I would also note that outside of the classroom Ensign Davis has distinguished herself as a community leader. On her own initiative, in the little spare time that she had, Ensign Davis wrote and directed a play for a local elementary school that introduced engineering as a possible career to the students.

During her time at the academy, Ensign Davis also excelled in sports. In fact, she was selected to be the 2006 Arthur Ashe First Team Sports Scholar for basketball. She was also selected to be on the 2007 ESPN Academic Women's Basketball Team for All-District

One Colleges. This is just a sample of this gifted young person's accomplishments. Ensign Davis clearly is destined for a successful career in the Coast Guard.

Earlier this month, Mr. Speaker, I had the opportunity to meet Ensign Davis and spent some time getting to know her. During our meeting, she spoke passionately about her internship with D.C. Voice, a group of education activists concerned about public education in our Nation's capital. As a Truman scholar, Ensign Davis could have worked anywhere, but she chose to focus her energies on the District of Columbia and work to make a difference in the lives of thousands of children who attend D.C. public schools.

Today, Mr. Speaker, we honor Ensign DeCarol Davis for being a trailblazer whose academic accomplishments are matched by a commitment to protecting our Nation and contributing to our communities.

Congratulations to Ensign Davis and the rest of the Class of 2008. This Nation is appreciative of your commitment to service. Your talents are needed to ensure that the Coast Guard can continue to be a ''can do'' agency that we have all come to rely upon to keep our ports and waterways safe and secure.

I urge you to support this resolution and join me in recognizing a future leader of our country.

Mr. LATOURETTE. Mr. Speaker, at this time, it's my pleasure to yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), a former Coast Guardsman himself.

Mr. COBLE. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, I had the good fortune to attend the graduation and exercises in 2008 at New London, Connecticut, home of the Coast Guard Academy, during which time Ensign Davis was recognized as the valedictorian of the graduating class. It was apparent to me that day, as I observed the proceedings, that she was held in very high esteem by her shipmates and her classmates.

And I felt real good, Mr. Speaker, as I spent most of the day on the campus of the Coast Guard Academy, as I viewed the spirit and the esprit de corps that was so obviously apparent. And I'm sure the same spirit and esprit de corps occurs in Kings Point, Annapolis, West Point, Colorado Springs, not only in our academies, but our training centers for the enlisted personnel throughout our armed services. If one doubts that we are prepared, I just urge him or her to visit one of the academies or one of the training centers throughout the country.

I am pleased to stand and honor Ensign Davis today, and to honor the U.S. Coast Guard, America's oldest continuous seagoing service.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on our side, and I am prepared to close.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good resolution. This is a worthy honor. I urge all Members to support it.

The only reason I wanted to take a little bit of time is, after Mr. COBLE spoke I was reminded that at our last Coast Guard hearing Mr. COBLE made the observation that he had served in the Coast Guard some period of time ago and he wondered what happened to the ship that he had actually served on. And as Mr. COBLE left the room, I felt bad, and even though we're a bipartisan bunch here, one of the Members on the other side of the aisle said he thinks he saw the ship in a tall ships museum. And I think that that was an unfair slight to Mr. COBLE and I'm sure that that's not true.

I urge passage of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of our time to concur with the gentleman from Ohio, Mr. Speaker, the gentleman from North Carolina is not that old.

His service with the Coast Guard was distinguished, noble, and a great asset to our community, as he brings to bear his service with that noble entity that goes back to the very foundations of our Nation when he participates in our Coast Guard hearings and markups. He deserves the term ''distinguished,'' both for his service in the House and with the United States Coast Guard. And we're pleased to have him with us here on the floor today.

I congratulate Ensign Davis. I observed to Chairman THOMPSON that if each of us were to do as well in our elections with 3.96 percent, as she did in academics, we all would have something to cheer about.

That is an extraordinary academic record. It is an extraordinary career that she has led in the Coast Guard Academy, both in the classroom, on the field of play, and in the community. She is a talented, gifted young woman and will be an officer of distinguished service to the Coast Guard, but a role model for other young women, and I hope especially African-American women, to serve in the United States Coast Guard. I wish her continued success as she embarks on a remarkable journey with the U.S. Coast Guard.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 1241, congratulating Ensign DeCarol Davis as valedictorian of the Coast Guard Academy's class of 2008, with the distinction of being the first African American female to achieve this high honor.

Ms. Davis's outstanding achievements truly exemplify the character and work ethic that we strive to see in all of our Nation's young people.

The U.S. Coast Guard Academy not only maintains the highest academic standards but provides students with rigorous professional development and leadership training. After years of rigorous study and a commitment to excellence at the Academy, Ms. Davis' academic accomplishments have earned her the honor of valedictorian in a class of over 200 other outstanding cadets.

In addition to making history by becoming the first African American woman to serve as class valedictorian of the Coast Guard Academy, Ms. Davis also earned awards in science and technology—academic fields historically dominated by men.

In addition to being named valedictorian, Ms. Davis was also named a 2007 Truman Scholar and was a recipient of the 2008 Connecticut Technology Council Women of Technology Award. A well-rounded student, Ms. Davis excelled at sports, and was selected as a 2006 Arthur Ashe, Jr. Women's Basketball First Team Scholar.

No stranger to outstanding academic accomplishments, she also served as the 2004 valedictorian of Forest Park High School in her hometown of Woodbridge, VA.

Making community service a priority as well, Ms. Davis regularly volunteered at a local elementary school, introducing students to science, technology, and engineering as career paths.

At a time when Congress has encouraged the Academy to seek diversity in recruiting cadets, Ms. Davis stands as a testament to the quality of candidates that would result from this practice.

It is truly a pleasure to honor such an exceptional young woman who has now gone on to dedicate her career to serving and defending our country. I have no doubt that the rigor and discipline utilized to propel her academic career will certainly aid her development and success at the U.S. Coast Guard.

I congratulate this exceptional young woman for her service and commitment to excellence and wish her the very best.

I encourage my colleagues to support H. Res. 1241.

Mr. CUMMINGS. Mr. Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of H. Res. 1241, as amended, which congratulates Ensign DeCarol Davis for her selection as the first African American—and the first African American woman—to serve as valedictorian of a graduating class at the Coast Guard Academy.

I also commend Congressman BENNIE THOMPSON, Chairman of the Committee on Homeland Security, for his work on this resolution and for his tireless efforts to increase diversity not only within the Coast Guard but throughout the Department of Homeland Security.

Further, I commend Congressman TOM DAVIS, who represents Virginia's 11th District—the district in which Ensign Davis graduated from Forest Park High School as class valedictorian—for his work on this resolution and for his service on the Homeland Security Committee.

I recently had the privilege of meeting Ensign Davis, who spent her month of post-graduation leave volunteering with a non-profit in Washington, D.C. called D.C. Voices in a program that trains volunteers from the community to perform audits to catalog the needs of D.C. public schools.

Ensign Davis is a remarkable—and remarkably poised—young officer.

She has been selected as a Truman Scholar—a testament to her intellect and to her outstanding academic accomplishments.

Ensign Davis has also won numerous distinctions for her athletic accomplishments—including selection as a 2006 Arthur Ashe Jr.

First Team Sports Scholar for basketball and selection to the 2007 ESPN The Magazine Academic All-District I college women's basketball first team.

She combines excellence in the classroom and on the basketball court with a remarkable drive to give back to the community and to help create opportunities for others. In fact, it is her drive to serve others that led her to apply to the Coast Guard Academy.

By virtue of her accomplishments at the Academy, she could have chosen any assignment in the Coast Guard. She chose the service's marine safety program.

She told me that she made this choice because she wanted to spend her career working to ensure the safety of the maritime transportation system and preserving our Nation's marine resources.

Mr. Speaker, the Subcommittee on Coast Guard and Maritime Transportation has been greatly concerned that as the Coast Guard expands to take on its critical new homeland security missions, the service's competence in its traditional missions—particularly the marine safety missions—is declining.

I am confident, however, that with officers of the caliber and dedication of Ensign Davis joining the marine safety field, the future of this critical mission is bright indeed.

Ensign Davis is truly an inspiring example of the best that the Coast Guard and our Nation have to offer. I look forward to watching the progress of Ensign Davis's career in the coming years—and I know that we will see remarkable things from this young officer.

Mr. Speaker, H. Res. 1241, as amended, also encourages the Coast Guard to seek and enroll diverse candidates in the Academy's cadet corps.

I—and many of my colleagues in the House—are deeply concerned that the Coast Guard Academy's student body does not reflect the diversity of our Nation. Only about 10 percent of the class of 2009, for example, is comprised of minorities.

Our Nation's diversity is a strength—but when a school such as the Coast Guard Academy does not have a cadet corps that reflects that diversity, it does not benefit from that strength.

In April, the House of Representatives passed the Coast Guard Authorization Act, H.R. 2830, by a vote of 395 to 7. This legislation included provisions that I authored that would alter the admissions process at the Academy to require that students be nominated by a Member of Congress.

While I strongly support the actions that the Coast Guard is taking to expand the recruitment of diverse applicants, I also believe that enactment of H.R. 2830—with the provisions requiring nominations to the Academy—offers the best opportunity to expand diversity at the Academy. I urge the Senate to quickly act on this measure.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 1241, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''Resolution congratulating Ensign DeCarol Davis upon her serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African-American to earn this honor, and encouraging the Coast Guard Academy to seek and enroll diverse candidates in the cadet corps.''.

A motion to reconsider was laid on the table.

AVIATION SAFETY ENHANCEMENT ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6493) to amend title 49, United States Code, to enhance aviation safety, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Safety Enhancement Act of 2008''.

SEC. 2. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 of title 49, United States Code, is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this section referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 3. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the ''Agency'') to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a ''vision'' of ''being responsive to our customers and accountable to the public'' and, in 2003, issued a customer service initiative that required aviation inspectors

to treat air carriers and other aviation certificate holders as ''customers'' rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as ''customers'';

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 4. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the 'Agency') if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 5. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the ''Agency)'' may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 6. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the ''Agency'') is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6493, and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very obvious support of H.R. 6493, the Aviation Safety Enhancement Act of 2008.

I consider this a first or, say, initial legislative step in reversing the complacency over safety regulations that has set in at the highest levels of the Federal Aviation Administration.

At the outset, I want to express my appreciation to Mr. MICA, the gentleman from Florida, the ranking member on our full Committee on Transportation and Infrastructure, Ranking Member PETRI from the Subcommittee on Aviation, and Chairman JERRY COSTELLO from Illinois, chairman of the Aviation Subcommittee. All of us have worked diligently on the hearing that we held on aviation safety and on the legislation that we bring to the floor today.

For years, the FAA has earned and held the distinction of the ''gold standard for aviation safety'' in the world. Other countries come to the United States to emulate the practices of the FAA in overseeing safety and setting standards for safety and maintenance of aircraft, engine and airframe. And it is, indeed, the charter of the FAA, in the very opening paragraph of the Organization Act of 1958, that created the Federal Aviation Administration from the old Civil Aeronautics Agency, quote, ''Safety in aviation shall be maintained at the highest possible level.'' Not the level airlines choose, not the level they can afford, but the highest possible level.

Safety in aviation must start in the corporate boardroom and permeate all through the organization. It is the responsibility of the FAA to set minimum standards and expect that not only airlines will meet them, but exceed them.

And there has been, over the years, a partnership in safety between the manufacturers of aircraft—whether it's Boeing, McDonnell Douglas, Cessna, Cirrus, Piper, or these days Airbus in France—with the FAA in establishing standards, seeing that the standards are met, and then ensuring that in the course of operation of aircraft and the maintenance of aircraft safety is maintained at that highest possible level.

Over the last few years, we've seen a slippage with the FAA from that high standard. And following information we received from whistleblowers in the committee staff, and it came to my attention immediately, we found that there was a change in attitude at the FAA, a shift away from insisting on those highest standards, a move from a partnership to a customer service initiative in which the FAA directed its principal maintenance inspectors to treat airlines as though they were customers. I've never heard that term used in aviation in my 25 years of involvement in oversight of and setting standards for aviation safety. If there is a customer, it's the traveling public, not the airline. And if the airline is your customer and the customer is unhappy with the service he is getting,

then that customer can complain. And that's what one of the airlines did, complained to the FAA about the principal maintenance inspector being too rigorous, overseeing too vigorously. And that PMI was removed from that position. Until the FAA found out that our committee was investigating a range of practices that strayed from the standard of vigorous oversight of and enforcement of aviation safety, then they brought the person back. Well, we found that one carrier with FAA complicity allowed at least 177 of its aircraft to fly with passengers in revenue service in violation of FAA regulations, the most serious lapse in safety I've observed in 23 years.

The investigation the committee launched led to the discovery of other instances in which inspections were not properly conducted and repairs were not properly made. The result, after we brought this to the attention of the FAA, and to the public in a statement that we released about the situation in preparation for our hearings, numbers of aircraft, hundreds, 972 aircraft were grounded by not only the airline in question, but other air carriers as well. Thousands of flights were cancelled. Serious questions were raised about whether high-ranking officials in the FAA were carrying out their safety responsibilities toward the industry and toward the traveling public.

□ 1445

Since the hearing we conducted on April 3, the investigative staff has been approached by individuals from other maintenance providers of other carriers alleging serious breakdowns in FAA's regulatory oversight. As a result of the rigorous investigation and the intensive hearing conducted in committee, there has been a shift in the FAA. The pendulum swung too far to the cooperation side and is now moving back to the middle with a more balanced relationship with airlines instead of the carrier-favorable relationship previously.

On June 30, 2008, the Inspector General of DOT issued a report entitled ''Review of FAA's Safety Oversight of Airlines and Use of Regulatory Partnership Programs,'' observing that the IG made several recommendations to the FAA to strengthen its oversight of air carrier safety. Specifically, the IG recommended the FAA periodically rotate its flight standards safety inspectors and establish an independent investigative organization to examine safety issues found by FAA employees.

The FAA said it did not agree with the recommendation to rotate inspectors. It said it only partially agreed to implement the recommendation to establish an independent organization to investigate employee complaints, FAA employee complaints. The FAA's response has been to implement a Safety Issues Report System that duplicates existing hotlines, does not provide for independent review outside of FAA's Aviation Safety Organization, which in the past had a long and successful and effective record of responding to complaints filed by whistleblowers. Well, I think FAA's response has been wholly inadequate.

This legislation will move us in the direction of correcting the problem and putting aviation safety back on the highest level, the gold standard, that has been characteristic of the FAA in years past.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, first of all, I want to pay tribute to Chairman OBERSTAR, the chairman of the Transportation and Infrastructure Committee, whom I have had the honor of working with and leading the Republican side of the committee with him. And I might say that when Mr. OBERSTAR and I get to agree on moving forward a transportation initiative that's in the benefit of the Congress and the American people that things do happen, and this is a fine example of trying to take FAA and its safety measures and make them even better for the safety of the American public. So I commend Mr. OBERSTAR, Mr. COSTELLO as the Chair of the Aviation Subcommittee, and Mr. PETRI as our Republican ranking member all for working together.

I come to the floor today as the former Chair of the Aviation Subcommittee during six very difficult times of trying to take an industry that had a number of problems. I became the chairman in 2001, the beginning of 2001. When I came to Congress, Mr. OBERSTAR was the chairman of the Aviation Subcommittee and did an outstanding job in his service. He was faced with challenges; I was faced with challenges.

Both of us, though, wanted to construct an FAA inspection system and safety system that assured the flying public that we had taken the very best measures and put them in place so that we would have a safe aviation national system. And I remember instituting early on and supporting the institution of a change in the way we did aviation inspection. What we did is we switched from sort of a we gotcha, we're-going-to-catch-you-if-we-can system or sort of a routine inspection system where it's Monday, we're going to inspect in Seattle at this aviation facility, or it's Tuesday, we're going to be in St. Louis, or it's Wednesday, we're going to be in New York and we are going to do these inspections whether we need to on a rotating basis or not. We switched to a somewhat controversial system of inspection of these aircraft called ''self-reporting.'' And some people don't understand that, but what we did is we said there are no penalties. Everyone would report incidents where there is some problem or they see some defect, something that should command attention and should be noted, and we had a reporting system. And that's the way we have operated with the self-reporting system. Some say it got a little too cozy, and probably when you repeat things and do things in a certain fashion, that does happen. It's part of human nature.

The reporting system is very important, though, because then we took and we adopted a risk-based inspection in going after problems. And since we have done that, ladies and gentlemen of the House, my colleagues, we have had the safest history for aviation ever in the United States and probably in the world. We instituted that. We put in some protections but probably not enough.

Now, as you know, in April of this year, the Committee on Transportation and Infrastructure held a hearing on the oversight of airline maintenance and brought to our attention, and through the investigative resources of the committee, we found lapses of proper attention, some conflict of possible interest, and some people who maybe got into too cozy a relationship. We held hearings on that, and as a result of that across the country, we asked that an audit be conducted. We wanted to see if what we saw in a limited incident or incidents was being repeated around the system.

The audit found that the United States carriers complied with more than 99 percent of the airworthiness directives sampled, and it's the remaining 1 percent that we want to make certain are addressed. So we instituted a new way of inspections. We instituted a new way of reporting. We found that we had some problems, and in this bipartisan effort, we are instituting corrective measures.

One of the things to deal with the cozy relationship is that we do establish a post-employment restriction for some of these FAA inspectors going back into industry for 2 years. I have some questions about the 2 years, but the other side of the aisle and the administration support the 2 years. I thought it might be a little bit too long. We will have to see how that works. It also requires that FAA principal supervisory inspectors rotate the office every 5 years, and we found also the cozy relationships, staying at one place, getting these relationships that sometimes might have a conflict of interest. We instituted that particular provision in this legislation. I have some questions about that too because it is difficult for these professionals and we want the very best to rotate and move their families around every 5 years, but we will see how that measure works. So those are the two questions that I probably have remaining. And what we have reached is a bipartisan accord.

But our intent here is to take a safe system where we found some problems and to correct it, institute some changes that will make certain that the system is even safer and that the problems that we have identified are corrected.

So I think this is an excellent measure. It shows what Congress can do working together to take a safe aviation system, make it even safer, correct some problems that we've identified, and make certain that the American public has the greatest confidence and that there are, in fact, measures being taken and having been instituted that will ensure that safety.

So with those comments, Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman from Florida, the ranking member of the full committee, for yielding.

I rise today, Mr. Speaker, in support of H.R. 6493, the Aviation Safety Enhancement Act of 2008.

Commercial aviation is enjoying the safest period in the history of flight. In fact, there hasn't been a wide-body aircraft passenger fatality since 2001. This excellent record is the result of the hard work of the FAA's Office of Aviation Safety, which has some 6,900 dedicated employees, including 3,800 FAA aviation safety inspectors, who oversee approximately 19,000 aircraft, including the 7,000 aircraft that make up the entire U.S. commercial airline fleet. Their charge is as important as it is large.

Even with such an excellent record, however, the aviation community and the FAA must remain vigilant in protecting the traveling public. H.R. 6493 is an important bipartisan bill that will go a long way towards addressing the inadequacies in the FAA's oversight programs discovered during the Department of Transportation Office of Inspector General audit earlier this year.

In addition to efforts already undertaken by the FAA, this legislation creates an Aviation Safety Whistleblower Office; requires modification of Customer Service Initiative to eliminate references to airlines and certificate holders as customers; establishes post-employment restrictions for FAA flight standards inspectors, a 2 year ''cooling-off'' period; requires reassignment of FAA principal supervisory maintenance inspectors, rotates the SPMIs every 5 years; requires an FAA headquarters review of the Air Transportation Oversight System database with the establishment of a team to review the ATOS database every month, requires monthly reports of any regulatory trends, which a description of any should include corrective actions if appropriate. A quarterly report to Congress is also required.

I want to applaud the FAA for the level of safety it's overseen in recent years, and I urge my colleagues to support this legislation that will continue to build upon the already impressive safety record of the Federal Aviation Administration.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The issues at stake in the hearing that we held relate principally to two major issues of aviation safety: One was hull inspection, and the other was inspection of the power control unit on 737 aircraft that regulate the movement of the rudder onboard those aircraft.

Both of these air worthiness directives and Federal air regulations that govern oversight of maintenance performed on high-time aircraft and on aircraft that have this unique power control unit resulted from accidents that involved loss of life.

The 737 of Aloha Airlines en route to Honolulu lost 18 feet of its hull in the air. The flight attendant was pulled to her death. Passengers strapped in suffered rapid, severe decompression injury but no other loss of life. The investigation that followed showed that there was extensive corrosion and metal fatigue and perhaps also improper technology used in putting the plates together in the hull of the aircraft.

There followed a worldwide conference on aging aircraft, which I was the lead speaker. We gathered aviation manufacturers, airline operators, and aircraft inspection agencies from every nation in the world that had commercial aviation operation.

□ 1500

And out of that conference resulted a number of recommendations which we crafted together in a bill that my then partner on the Aviation Subcommittee, the gentleman from Pennsylvania, Mr. Clinger, and I moved through subcommittee, full committee, to the House floor and through to enactment.

The language reads: The administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed shall at least require that the administrator make inspections and review the maintenance and other records of each aircraft and air carrier used to provide air transportation that the administrator decides may be necessary to enable the administrator to decide whether the aircraft is in safe condition and maintained properly for operation and air transportation.

The air carrier shall at least demonstrate that as part of the inspection, maintenance of the aircraft's age, sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety. And work performed under this section shall be carried out after the 14th year in which the aircraft has been in service.

That was not just a happenstance. It was a very specific directive dealing with high time aircraft, a very specific directive to the FAA and to airlines to undertake this rigorous inspection. The FAA failed to maintain that level of vigilance. The air carrier failed to maintain its level of vigilance. And on some of those aircraft, there were found to be small cracks. But it's those small cracks that led to failures, the small cracks that led to life lost.

In another instance, the power control unit on 737 aircraft, something happened to an aircraft to cause the flight deck crew to lose control of that aircraft when the rudder made an uncommanded movement. And 137 people died in Pennsylvania. In the investigation conducted by the National Transportation Safety Board pursuant to the accident, it was found that this very small unit, this big, had failed. Up to that time, there had been 93 million hours of operation of 737s, and Boeing Company said, we haven't had any failures. But when the NTSB looked back in the record of other unexplained accidents, they were traced to this power control unit which was subsequently redesigned and retested under the extreme conditions that aircraft fly at high altitudes and rebuilt and reinstalled and a vigorous airworthiness directive put in place to require periodic inspections of the power control unit. Those inspections were missed. And the airlines involved, having missed the deadline, had to go back, take those aircraft out of service and inspect those parts. That is what we're talking about, vigilance at the highest possible level.

And I have seen a situation where in safety, a very comfortable relationship can exist between the overseer and the practitioner of safety. To say, as we do in the Congress, to say as we do about other members of the executive branch, that you must move around from one position to another in the executive branch, and we say to those who leave service, leave the Federal public service, ''you cannot come back and lobby the Congress for a period of time'' is an already established practice. To say that in a period of 2 years, a person who leaves the FAA to go work elsewhere outside of government, is not to say to that person that your service is not valued. We just want to make sure you're not using it to a contrary purpose to that which the person had served for all those years.

We only in this language prevent that person from working for the carrier they once oversaw. I think that is a reasonable step. It is one recommended by the Inspector General. I think it is in the best interest of safety to do this. It is in the best interest of safety to continue the Air Transportation Oversight System, ATOS, where airlines and manufacturers are engaged in developing trend lines, by watching these trend lines where we know and see certain things happening and take action before there is a failure and before there is a catastrophe, to prevent a tragedy. ATOS is a very good system. But it should not be transformed into one in which the airline is in the command position. There is a proper balance. And I think this legislation will

bring the FAA back into proper balance.

I reserve the balance of my time.

Mr. MICA. I yield myself such time as I might consume.

Mr. Speaker and my colleagues, as we conclude the debate on H.R. 6493, which makes changes to the way we conduct FAA airline inspections and how we make certain that we have the safest aviation system possible, I believe that it is important to point out just a couple of things. First of all, since November of 2001, there has not been a single large passenger aircraft fatality in the United States. We have had several commuter airlines, smaller aircraft, I know at least one in Charlotte, another in Lexington, and any loss of life in any size aircraft is not acceptable. Some of those did not relate to the inspection. The reasons for the air crash or fatalities was not as a result of inspections or the procedures we have before us today.

What we do have historically is again instituted a self-reporting system, probably a half a dozen years ago we shifted to this system. We do collect that data. That data is supposed to be acted upon by inspectors on a risk base. So we look at the data where there is a problem. And that is where we put our resources to make certain that the aircraft is operating, inspected and mechanically sound. And that has worked fairly well.

We have, again, to reiterate what I said before, the committee did investigate when whistle-blowers came to us. We found an instance or instances of this cozy relationship, and we felt that we should take some steps to first eliminate sort of the revolving door, stop the revolving door, put some time between those that worked for the FAA and then going out to the airlines, and also instituting some other protective measures.

Now I must say that even when the inspector general of the Department of Transportation investigated what was going on and what we found, they did not find the problem systemic. What they did say was that the data that was being collected on which we based our inspections and assessed risk was not adequately being adhered to. That data and the information was not being adhered to by all levels of FAA, for example, management, and eventually the Congress. So we also changed in this bill the recommendation that the inspector general made when they found that, again, the problem wasn't just the revolving door, but paying attention to the red flags and the signals that were being sent by the data.

So this is a good bill. This is a bipartisan effort to take a safe system, make it even safer, make certain that those warning signs are paid attention to both by FAA at all levels, inspectors, managers in this self-reporting system, and also by Congress who has the ultimate responsibility.

Also, I might say that how did this affect folks? Well, when Congress started to say we weren't properly inspecting or there were conflicts, FAA said, we're going to give you inspections. And they did give us inspections. And we closed down thousands of flights. And hundreds of thousands of people paid the price. And the airlines paid the price to make sure that zero tolerance was applied and that we did inspect those planes. But that is not exactly what we want to happen in the future.

H.R. 6493 will help us to avoid any future mass airlines groundings like the ones we saw this spring and the horrible inconveniences suffered by hundreds of thousands of people in the traveling public. This is an important bill that will ensure our national aviation system remains the safest in the world and that FAA provides the proper oversight of airlines and their maintenance programs that are so important to that safety.

I commend Chairman OBERSTAR, Mr. COSTELLO, Mr. PETRI, who is not with us, our ranking member, the staffs that worked on both sides. This is a good bill. I support it. It will make a good system even better.

And I think with that, Mr. Speaker, to assist the House in moving forward with the business of the day, I will yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of our time. And I will not take all of whatever time remains.

An observation, and I appreciate the remarks of the gentleman from Florida, committing himself and the committee as a whole to vigorous oversight of safety. It is a good record, as the gentleman said, in air carrier safety over the last few years. What I have learned in my experience with safety in aviation, highways, railways, waterways and airways, is that that safety is just around the corner from the next accident. And while it may have been an inconvenience for passengers for the airlines to pull aircraft out of service, it's a horrible inconvenience to be dead or injured because of an airline accident. Had the airlines been conducting their inspections appropriately, vigorously and in keeping with the airworthiness directives in the time frames envisioned, it would not have had to pull these aircrafts out of service to do major inspections in blocks, as was done this spring. And as the gentleman from Florida said, this legislation, enacted, carried out by the FAA, will make sure that aviation stays on a steady path of constancy in oversight of aviation safety. That is what we want. That is the objective of this legislation. It is the continuity of inspection and of oversight of the air carriers who have the prime responsibility to maintain their aircraft in safe, airworthy condition.

And that is what we will achieve when we get this legislation enacted into law. I'm very hopeful that the other body will act promptly on this legislation, that it will be signed and carried out vigorously by the FAA and reestablish its standing in the world community, which looks to the United States to set and maintain the gold standard for aviation safety.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H.R. 6493—The Aviation Safety Enhancement Act of 2008.

Mr. Speaker, as many of us know, FAA's stated mission is ''to provide the safest, most efficient aerospace system in the world.''

Regrettably, recent aircraft groundings and flight cancellations by our Nation's air carriers to ensure compliance with safety directives calls into question whether or not the principal Agency charged with protecting the flying public is living up to its mission.

I think it goes without saying that over the years, the standing of our Nation's aviation system as one of the safest in the world can be directly attributed to the diligent efforts of dedicated inspection and maintenance personnel.

However, these respective personnel are only as good as their managerial and operational framework, and according to the U.S. Office of Special Counsel and our own Transportation and Infrastructure Committee's Oversight and Investigations staff, serious flaws exist within the management of FAA's safety inspection framework.

In a letter dated December 20, 2007, to Department of Transportation Secretary Mary Peters outlining allegations of two FAA inspectors, now known as the whistleblowers, the U.S. Office of Special Counsel states, ''The whistleblowers allege that safety and adherence to regulatory compliance have taken a back seat to personal friendships and favors at the Southwest Certificate Management Office.

They have disclosed serious allegations of a compromise of the public safety mission at FAA. ''Even in the face of investigations substantiating wrongdoing and safety breaches [with respect to the ADs] FAA does not appear to have held management and safety inspectors appropriately accountable for their actions and inaction. The information disclosed by [the whistleblowers] reveals a substantial likelihood that serious safety concerns persist in the management and operation of the inspection and maintenance programs at FAA.''

Mr. Speaker, this type of behavior is simply unacceptable and warrants a complete overhaul of how the FAA goes about its business of safety inspections and over-reliance on Voluntary Disclosure Reporting Programs. H.R. 6493 is a step in this direction.

The bill establishes an Aviation Safety Whistleblower Investigation Office with an independent Director; modifies the Agency's customer service initiative; imposes post-employment on FAA inspectors; restricts the time a principal maintenance inspector may oversee a single carrier; and increases scrutiny of the Agency's air transport oversight system database.

When it comes to the proper adherence to safety protocols, FAA should be in the business of zero tolerance. If a plane is out of compliance for whatever reason, it should be grounded until it comes into compliance—period.

Yes, the American economy is dependent on the movement of people and goods, but this movement should not and cannot come at the expense of safety. Given the current, delicate nature of the airline industry, I cannot

imagine that there exists a single airline executive in this country that would sanction the operation of a noncompliant or unsafe plane.

As I close I want to thank the leadership of the Aviation Subcommittee, in addition to the leadership of the Full Committee for advancing this vital piece of legislation to the floor.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6493, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 94. Concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces.

□ 1515

CLEAN BOATING ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2766) to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Boating Act of 2008''.

SEC. 2. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel.''.

SEC. 3. DEFINITION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RECREATIONAL VESSEL.—

''(A) IN GENERAL.—The term 'recreational vessel' means any vessel that is—

''(i) manufactured or used primarily for pleasure; or

''(ii) leased, rented, or chartered to a person for the pleasure of that person.

''(B) EXCLUSION.—The term 'recreational vessel' does not include a vessel that is subject to Coast Guard inspection and that—

''(i) is engaged in commercial use; or

''(ii) carries paying passengers.''.

SEC. 4. MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.

Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(o) MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.—

''(1) APPLICABILITY.—This subsection applies to any discharge, other than a discharge of sewage, from a recreational vessel that is—

''(A) incidental to the normal operation of the vessel; and

''(B) exempt from permitting requirements under section 402(r).

''(2) DETERMINATION OF DISCHARGES SUBJECT TO MANAGEMENT PRACTICES.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall determine the discharges incidental to the normal operation of a recreational vessel for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on the waters of the United States.

''(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

''(iii) MANAGEMENT PRACTICES.—The Administrator shall develop management practices for recreational vessels in any case in which the Administrator determines that the use of those practices is reasonable and practicable.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using a management practice;

''(iv) the effect that the use of a management practice would have on the operation, operational capability, or safety of the vessel;

''(v) applicable Federal and State law;

''(vi) applicable international standards; and

''(vii) the economic costs of the use of the management practice.

''(C) TIMING.—The Administrator shall—

''(i) make the initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

''(ii) every 5 years thereafter—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on any new information available to the Administrator.

''(3) PERFORMANCE STANDARDS FOR MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—For each discharge for which a management practice is developed under paragraph (2), the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, other interested Federal agencies, and interested States, shall promulgate, in accordance with section 553 of title 5, United States Code, Federal standards of performance for each management practice required with respect to the discharge.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator shall take into account the considerations described in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(D) TIMING.—The Administrator shall—

''(i) promulgate standards of performance for a management practice under subparagraph (A) not later than 1 year after the date of a determination under paragraph (2) that the management practice is reasonable and practicable; and

''(ii) every 5 years thereafter—

''(I) review the standards; and

''(II) if necessary, revise the standards, in accordance with subparagraph (B) and based on any new information available to the Administrator.

''(4) REGULATIONS FOR THE USE OF MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate such regulations governing the design, construction, installation, and use of management practices for recreational vessels as are necessary to meet the standards of performance promulgated under paragraph (3).

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator promulgates standards with respect to the practice under paragraph (3), but not later than 1 year after the date on which the Administrator promulgates the standards.

''(ii) EFFECTIVE DATE.—The regulations promulgated by the Secretary under this paragraph shall be effective upon promulgation unless another effective date is specified in the regulations.

''(iii) CONSIDERATION OF TIME.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall consider the period of time necessary to communicate the existence of the regulation to persons affected by the regulation.

''(5) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a recreational vessel.

''(6) PROHIBITION RELATING TO RECREATIONAL VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (4), the owner or operator of a recreational vessel shall neither operate in nor discharge any discharge incidental to the normal operation of the vessel into, the waters of the United States or the waters of the contiguous zone, if the owner or operator of the vessel is not using any applicable management practice meeting standards established under this subsection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, S. 2766.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are. We started on this journey with this legislation in subcommittee and full committee on the initiative of Mr. TAYLOR of Mississippi, Mr. LATOURETTE of Ohio, Mr. LOBIONDO of New Jersey, Mr. KAGEN of Wisconsin, a whole host of Members who live along the water, whose districts encompass water-based recreational activity, alarmed by constituents that something serious was about to happen as a result of a decision of the U.S. District Court of the Northern District of California, that guys and women with little motor boats are going to have to go through a ballast water discharge system.

Well, the ramifications would have brought forward a regulatory scheme that would have been extraordinarily and unnecessarily burdensome on weekend recreational boaters. Every weekend I travel throughout my district, and I look longingly out on the lakes at those who are using their boats and wish I could be out there with them. I am doing other things, most of them meetings indoors.

I know from hearing from my constituents, as the gentleman from Ohio (Mr. LATOURETTE) has, that incidental discharges, as covered by the court ruling, deck runoffs, laundry, shower and galley waste from 13 million State-registered recreational boats could wreak havoc in this sector that is a multi-billion dollar part of our national economy and vital specifically to local economies and vital to individuals who seek respite from their workaday life by getting out on a boat on the weekend and kicking back and enjoying the water and the water environment.

In the aftermath of the court case, Northwest Environmental Advocates, our committee closely reviewed the issue of discharges incidental to the normal operation of a vessel, to use the technical term, including the implications of both recreational vessel discharges and commercial vessel discharges, and we decided it was appropriate to retain a limited exclusion from the national pollutant discharge elimination system that will allow requirements for discharges incidental to the normal operation of a recreational vessel. We restore the status quo in this legislation that existed prior to the California court decision.

Just one word of explanation for the procedure here. We were ready to bring our bill weeks ago. We got a message from our counterparts in the other body to wait and give the other body time to move its legislation because with all of the procedural limitations and hoops they have to jump through in the other body, wait until they could move a bill. And we waited and we waited and we waited. We were ready to move our own bill. I said this is it, we will bring it to the floor this week. We aren't going to wait any longer. Well, I won't characterize any further the other body. It might go beyond the decorum of the House in this matter.

And suddenly, the trigger went off and the other body moved with its bill and brought it to the floor. If we act today on this legislation, we can just send these bills directly to the President for his signature, and that is what we ought to do in the best interest of boating and in the best interest of comity between the bodies.

I express great appreciation to the gentleman from Ohio for his patience and for his cooperation and participation, and to the gentleman from Mississippi (Mr. TAYLOR) for also being very patient on the issue. And for all of my other colleagues who have wanted us to take this action, we are doing it.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

I want to begin my remarks by thanking the chairman of the full committee, Mr. OBERSTAR, and I will have a little more to say about the body on the other side and how it contrasts with how Mr. OBERSTAR and the Transportation and Infrastructure Committee on this side operates.

I also thank the gentleman from Mississippi (Mr. TAYLOR) for his dogged pursuit of this, and all of the other Members that Mr. OBERSTAR mentioned; and in addition one who he by oversight forgot, CANDICE MILLER of Michigan, who was in the boat business before she came to Congress. And like most of us who live up on the Great Lakes, when she goes home, she hears about this.

I actually saw a couple of boaters the weekend before last, and they said that with all that is going on with fuel prices, they paid $500 to fill up their tanks to go out and boat, and they certainly didn't need an incidental discharge permit authorized by the Environmental Protection Agency to go out walleye fishing.

Relative to the way the two bodies work, when this matter was brought to the chairman's attention, he immediately said well, draft a piece of legislation, put it in, let's find out everybody that is interested. We will have hearings. We did in the subcommittee and the full committee. We had a markup, we prepared the bill, and then we waited and we waited and we waited.

Then today, I know some people who may keep track of the schedule of the House of Representatives may have seen the schedule for today's suspension calendar printed, and it said we would be considering H.R. 5949, and I just would ask people to not adjust their television sets, it is not a mistake, we are in fact doing the Senate bill because the great slumbering dinosaur that is the august body on the other side of the Capitol awoke from that slumber earlier this morning and in fact passed Senate 2766, which I am happy to say is identical word for word with the House bill and so we are going to consider the Senate bill because unlike others, we have no pride of authorship, we are more interested in getting this bill to the President for his signature to help alleviate the pain that some 13 million, 14 million boaters would have.

The original House bill was introduced to exempt recreational boaters from having to obtain an EPA permit for incidental discharges that are determined to be normal to the operation of the vehicle. The House passage today will prevent 16 million recreational boaters from being subject to Federal fines of up to $32,500. And let me repeat that, $32,500 a day for a guy who owns a 19-foot Starcraft that has an incidental discharge in Lake Erie.

What is an incidental discharge? An incidental discharge is if it rains and water pours off the deck of your boat; if you are out fishing and you have a cooler and you want to dump the melted ice over the side of the boat, that is an incidental discharge. In my part of the Great Lakes basin, we are a little heartier and maybe a little cruder than others, and sometimes we will go out with a cooler filled with liquid refreshments while we walleye fish, and sometimes that leads to a call of nature. That is an incidental discharge from a recreational boat that would have been subject to this discharge permit because of this judge in California.

And the Congress had to act because the judge indicated that these regulations go into effect in September. The EPA has already drafted model regulations so they were ready to go. And although the matter is on appeal, if we don't take action and get the President to sign it, it is going to be a big problem.

So again, I am very, very thankful to Mr. OBERSTAR and the other members of our committee. I am very thankful for the prompt action of the House of Representatives and thankful for the action of the United States Senate earlier today. I urge everybody to support this piece of legislation.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on this side, and I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield to a distinguished Member of the House from Connecticut (Mr. SHAYS) for such time as he may consume.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding, and congratulations to Chairman OBERSTAR and Ranking Member MICA and Members LATOURETTE and TAYLOR.

I rise in support of H.R. 5949, the Clean Boating Act, which would exempt recreational boats from a permit requirement for normal operational discharges of ballast water.

In September of 2006, a U.S. District Court decision overturned the Environmental Protection Agency's authority to exempt recreational boats from having to obtain a permit for operational discharges. As a result, the EPA is required to develop and implement a permitting system for all boats by September 30, 2008. Under this new rule, all boaters will be required to apply for pollution permits regulating ballast water, which includes deck runoff, engine cooling water, gray water and bilge water from engines, laundries, showers and sinks.

While I believe large quantities of ballast water, primarily from commercial ships, adversely affect marine habitat, runoff from recreational vehicles does not come close to posing the same water pollution challenges.

The Clean Boating Act defines recreational vessels as those used primarily for pleasure, or those leased, rented or chartered to a person for recreational purposes. Under H.R. 5949, these vessels would be exempt from the new permit requirement, just as they had been before the U.S. District Court decision.

Recreational boating plays an important role in many of the communities in Connecticut's Fourth Congressional District, and I have found many boaters to be among the most concerned for our marine ecosystems. Boating is an important factor in tourism and the prosperity of local economies all along our coastline.

I urge support of the Clean Boating Act to exempt recreational boaters from this necessary permitting process.

Our laws should be logical, workable, and fair. Requiring all boats to obtain permits for normal discharge of ballast water is not logical, workable, or fair.

H.R. 5949, the Clean Boating Act, ensures pollution permits regulating ballast water will cover those vessels that it should apply to, commercial boats, and not those vessels that it shouldn't apply to, recreational boats.

Again, I thank the chairman for bringing this bill out and making sure that we don't have to go to conference so we can send it directly to President. Congratulations to both of you.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time for the purpose of closing on our side.

Mr. Speaker, again I want to thank Chairman OBERSTAR. This again is an example of how our committee works in a bipartisan way to deal with real issues affecting real Americans.

Just a couple of statistics for the purpose of the RECORD. In just the State of Ohio, there are over 415,000 recreational boats registered with the Ohio Department of Natural Resources. One in every five boats registered in Ohio are located within the seven counties that I represent in northeastern Ohio. The Clean Water Act amendments that the court was allegedly interpreting were designed to deal with ballast water and to prevent the additional scourge of invasive species coming into our waterways, which those of us in the Great Lakes and the coastal regions know, the zebra mussels, the round goby, the sea lamprey, the Asian carp, we are all familiar with how terrible it is when something foreign to our ecosystem is introduced.

But the fallacy of the court's decision is that 99 percent of recreational boats don't have any ballast water so it would be tough for an invasive species to sneak into something that didn't exist. And, in fact, this court ruling would have even covered a kayak. If you, Mr. Speaker, wanted to go kayaking on the Cuyahoga River, you would have needed an EPA discharge permit for the purpose of your kayak.

Clearly it made no sense. There is no body or plethora of science that indicates that invasive species have hitched into inland water on kayaks or pontoon boats. This is a ruling that didn't make sense. And, sadly, it is taking congressional action, and I am glad that in this instance congressional action has taken place in both bodies and the President hopefully will soon sign this legislation. Again, my thanks to all who were involved.

Mr. Speaker, I yield back the balance of my time.

□ 1530

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of our time for the purpose of closing.

I also want to include in the list of distinguished Members who supported this legislation, and, from the outset, Mrs. MILLER from Michigan. CANDICE MILLER has been a strong advocate for this legislation.

The gentleman from Ohio referenced the other body arising from its slumber. I think that is a passage from scripture, from the Old Testament, that concludes, in the last stanza, ''A new day is dawning.'' This is a new day of dawning, for boating, for recreational boaters.

As I was up the north shore of Lake Superior on Saturday dedicating a new McQuade Road Harbor of refuge, there was, indeed, an open water kayak, a 20-foot kayak that put into the Harbor of Refuge. I thought of this legislation, and I told the folks gathered that we are going to make boating safe and easy, comfortable again, thanks to a partnership. Although there wasn't a boat in the carload, for the gentleman from Ohio, I brought his name up saying it's wonderful to have this kind of partnership and participation in legislation for the common good and common interest.

I will observe further that today is the gentleman's birthday, and I promise not to break into song, but I do promise that we deliver to the gentleman an appropriate remembrance of his day in the form of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 2766, the ''Clean Boating Act of 2008,'' which provides a targeted Clean Water Act exemption for discharges incidental to the normal operation of a recreational vessel.

This legislation is in response to a 2005 Federal district court decision, which struck down a decades-old exemption for discharges incidental to the normal operation of a vessel.

Although the focus of the 2005 court decision was the discharge of ballast water, the implications of this decision are likely to affect the more than 13 million recreational boaters in the United States.

The committee believes that the discharge of pollutants from recreational vessels is likely to pose a minimal adverse impact on water quality and the environment, even on a cumulative basis.

Accordingly, it is appropriate to reaffirm a limited exclusion from the National Pollution Discharge Elimination System, or NPDES, requirements of the Clean Water Act for discharges incidental to the normal operation of a recreational vessel, such as graywater, bilge water, and weather deck runoff.

S. 2766, the Clean Boating Act, would amend the Clean Water Act to provide a limited statutory exemption for discharges from recreational vessels, which would be clearly defined in the statute.

In addition, the scope of coverage for ''discharges incidental to the normal operation of a recreational vessel'' is intended to mirror those discharges that were included in the EPA regulatory exclusion, found at 40 CFR 122.3(a).

However, in order to further minimize any potential adverse impact to water quality and the environment, the Administrator must further examine the potential adverse impacts of discharges incidental to the normal operation of a recreational vessel, and develop appropriate management practices to mitigate potential adverse impacts on the waters of the United States.

Accordingly, S. 2766 also amends section 312 of the Clean Water Act to establish management practices for any discharges from a recreational vessel that would be excluded by this act, other than the discharge of sewage regulated under section 312 of the act).

This provision directs the Administrator to develop ''reasonable and practicable'' management practices to mitigate the adverse impacts that may result from discharges from a recreational vessel excluded by this act.

Under this provision, the Administrator must complete its evaluation of management practices for discharges excluded by this act within 1 year of the date of enactment, and review its evaluation, and revise, if necessary, every 5 years thereafter.

S. 2766 also requires the Administrator, in consultation with the Coast Guard, the Department of Commence, and other interested Federal agencies, to develop performance standards for management practices based on the class, type, and size of the vessel, and directs the Coast Guard to conduct a rulemaking governing the design, construction, installation,

and use of management practices for recreational vessels as are necessary to meet these performance standards.

Finally, this legislation includes a savings clause to ensure that this act does not affect existing Clean Water Act prohibitions against discharges of oil or hazardous substances under section 311 of the act.

I urge my colleagues to support this targeted legislative proposal to properly address discharges from recreational vessels.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of S. 2766, the Clean Boating Act of 2008, and to applaud my good friend and the bill's lead sponsor, Senator NELSON, who has been a tireless advocate on this issue for Florida's recreational boaters.

I also want to thank the distinguished chairman of the full committee and my good friend from Minnesota, Mr. OBERSTAR, for fulfilling a promise he made on the House floor when we considered the Coast Guard bill back in April. He promised then to take up this issue on behalf of recreational boaters before the September 30th deadline, and once again, the distinguished Chairman has proven that he is one of the truly great leaders of the House.

Mr. Speaker, in a mere 70 days, the nation's 73 million recreational boaters will face a huge and unreasonable regulatory burden as a result of a recent U.S. District Court decision. The underlying decision dealt primarily with halting the spread of invasive species through commercial ballast water—an effort I support, having seen firsthand the ravages of invasive species on Florida's environmental treasure: the Everglades. The U.S. District Court, however, did not limit its decision only to ballast water. Instead, it struck down a longstanding exemption for recreational boaters from obtaining a permit for incidental discharges.

As a result, 73 million boaters will be forced to obtain permits from the EPA or face fines as high as $32,500. To be frank, this is a ridiculous scenario. We don't need a new DMV for our recreational boaters, especially since the EPA feels ill-equipped to handle this new regulatory responsibility.

We must also not forget that this new permitting system will hurt an industry that is already suffering as a result of our country's economic downturn. In particular, the marine industry is a major economic force in my home state of Florida, responsible for over $18 billion of revenues and 220,000 jobs statewide. It's critical to note that $13 billion of the economic impact and 162,000 of those jobs as well as almost half of the industry's gross sales come from the tri-county region, much of which is in my Congressional district.

But this great industry is not without its own perils. People don't need boats, and they generally buy them when they are comfortable with the necessities of life. The industry is also affected by high interest rates, record insurance costs and rising property taxes, particularly for those on the waterfront. We must not add to their troubles this new regulatory burden that could prevent potential boaters from buying or using a boat. That's why I cosponsored the House version of the Clean Boating Act and have supported its swift passage.

Mr. Speaker, the Senate already has acted earlier this morning by passing S. 2766 and the next bill up for debate, S. 3298. I strongly support that bill as well because it provides a two-year moratorium for certain small commercial vessels and all fishing vessels from the regulatory permits. I urge my colleagues to follow suit and adopt both bills so we can stop this logistical and regulatory nightmare.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 2766.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CLARIFYING PERMIT REQUIREMENTS FOR CERTAIN VESSEL DISCHARGES

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term ''covered vessel'' means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms ''contiguous zone'', ''discharge'', ''ocean'', and ''State'' have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, S. 3298, and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, briefly, to describe the purpose of this legislation, which was vigorously supported by the gentleman from Mississippi (Mr. TAYLOR); the gentleman from Alaska, our former chairman, Mr. YOUNG; Mr. LOBIONDO from New Jersey; and, of course, the very distinguished ranking member of the subcommittee, Mr. LATOURETTE; by Chairman CUMMINGS, who gave his full support and initiative to this legislation.

This is a 2-year moratorium for discharges incidental to the normal operation of certain commercial vessels other than discharges of ballast water. It also directs the Environmental Protection Agency to conduct additional studies on the implications of discharges incidental to the normal operation of a vessel.

We developed this legislation in similar fashion to the previous bill in recreational boating on the initiative of the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Ohio (Mr. LATOURETTE) and the other Members that I mentioned previously.

We also worked across the way with the other body, the Committee on Environment and Public Works and various individual Members of the other body. It took a little while to get their commitment, get their attention, to release the bill from holds over there, which are a quaint practice, not practiced in this body. Again, we were prepared to bring this bill to the House floor and had it scheduled for the suspension calendar this week out of exasperation with lack of progress across the way.

But I know those 200 meters that separate the two wings of the Capitol are very difficult to traverse. Sometimes it can take as long as the Old Chisholm Trail to move from one end to the other, but that movement has been made. I will include in the RECORD the specifics of the legislation, the legislative history which is necessary to establish the legislative balance and the factual construct within which we bring this bill to the floor.

Mr. Speaker, S. 3298 provides a two-year moratorium for discharges incidental to the normal operation of certain commercial vessels, other than discharges of ballast water, as well as directs the Environmental Protection Agency (''EPA'') to conduct additional study on the implications of discharges incidental to the normal operation of a vessel.

This legislation, which was developed in close coordination with the two lead co-sponsors of the House companion bill, H.R. 6556, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Ohio (Mr. LATOURETTE), as well as our counterpart in the Other Body, the Committee on Environment and Public Works, and several individual senators. I applaud the work of all of my colleagues, in both chambers, for resolving their differences, and moving this legislation (S. 3298), and S. 2766, the ''Clean Boating Act of 2008'', in tandem today.

S. 3298 strikes an important legislative balance between the need to protect our water-related environment and the need to provide additional time for certain vessel owners and operators to address the discharge of pollutants from their vessels.

This legislation provides a targeted two-year moratorium from the Clean Water Act's National Pollutant Discharge Elimination System, or NPDES, permit requirements for commercial fishing vessels and other commercial vessels less than 79 feet in length—giving the nation's commercial fishermen and other small commercial vessel owners and operators more time to understand and address discharges from these vessels.

This moratorium provides a narrow exception—providing additional time for those vessel owners and operators, which, in the opinion of Congress, were least prepared for the impending implementation of the Clean Water Act permitting requirements on September 30, 2008.

For example, any vessel that was subject to the NPDES requirements of the Clean Water Act prior to the decision of the U.S. District Court for the Northern District of California, such as certain oil and gas exploration vessels, energy and mining vessels, and seafood storage and processing facilities will remain subject to such requirements under this legislation.

In addition, the scope of discharges included within this moratorium mirrors those discharges that were included within the regulatory exclusion found at 40 CFR 122.3(a), with the exception of the discharge of ballast water, which is not included within the scope of the two-year moratorium. Accordingly, any category of discharge from a ''covered vessel'' that was subject to the Clean Water Act exemption prior to the court decision, such as bilge water, cooling water, weather deck runoff, and effluent from properly functioning marine engines, is covered withint the two-year moratorium of S. 3298. The only exception to this rule is if the EPA Administrator, or a State, as appropriate, could demonstrate that such discharge either contributes to a violation of a water quality standard or poses an unacceptable risk to human health or the environment.

As was evident from testimony during a hearing on this topic before the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, the lack of sufficient information on the types, volumes, and composition of discharges from differing classes of commercial vessels has complicated the ability of Congress to address these discharges in a comprehensive manner.

S. 3298 will provide Congress with additional time, and with additional information on what, exactly, is meant by discharges incidental to the normal operation of a vessel, so that upon the expiration of this two-year period, Congress can revisit this issue and address these discharges in a manner that is workable, commensurate with their impact, and consistent with goals of the Clean Water Act to ''restore and maintain the chemical, physical, and biological integrity of the nation's waters.''

Mr. Speaker, S. 3298 is in direct response to a March 2005 decision of the U.S. District Court for the Northern District of California, which overturned a decades-old Clean Water Act exclusion for discharges incidental to the normal operation of a vessel. This decision, entitled Northwestern Environmental Advocates v. U.S. Environmental Protection Agency, held that the 1979 EPA regulation (found at 40 CFR 122.3(a)) which excluded certain vessel discharges from the permitting requirements of the Clean Water exceeded the Agency's authority under the law. In essence, the court was concerned that the 1979 Clean Water Act exclusion was written too broadly, and accordingly, the court issued an order vacating the regulatory exclusion for discharges incidental to the normal operation of a vessel as of September 30, 2008.

In response to the court decision, and the pending outcome of an appeal to the Ninth Circuit Court of Appeals, the EPA was required to enforce the permitting requirements of the Clean Water Act on all vessel discharges. On June 17, 2008, the Environmental Protection Agency published in the *Federal Register* two separate Draft National Pollutant Discharge Elimination System (''NPDES'') General Permits for Discharges Incidental to the Normal Operation of a Vessel.

The first—the draft Recreational General Permit—would establish a set of mandatory and recommended best management practices for discharges from recreational vessels less than 79 feet in length. However, the need for the Recreational General Permit will be rendered unnecessary by passage of the Clean Boating Act of 2008, which provides a targeted statutory exemption from the NPDES permitting requirements of the Clean Water Act for all recreational vessels, regardless of length.

The second draft general permit—the draft Vessel General Permit (''VGP'')—addresses discharges from recreational vessels greater than 79 feet in length and all other commercial vessels; however, the need for a general permit to address discharges from recreational vessels is, again, eliminated by enactment of the Clean Boating Act, but the need to address discharges from other vessels remains at the end of the two-year moratorium contained in S. 3298.

EPA's draft VGP establishes effluent limits for 28 discharges typically found in the effluent of commercial vessels, as well as best management practices designed to decrease the amount of these pollutants being discharged into the waters of the United States. The draft VGP establishes varying levels of regulatory authority and management practices to control these discharges scaled on the size and class of vessels, as well as establishes new monitoring and reporting requirements. The effective date of the draft VGP was to be September 30, 2008, as established by the Northwestern Environmental Advocates decision.

S. 3298 will suspend the implementation of the draft VGP, providing an additional two years for the Environmental Protection Agency to finalize an appropriate regulatory approach to address discharges incidental to the normal operation of a vessel, as well as a time to further study the nature, types, composition, volumes, locations, and potential impacts of vessel discharges.

However, unlike the Clean Boating Act, S. 3298 is not a statutory exemption for discharges incidental to the normal operation of a vessel. During the two-year period following the date of enactment, EPA should continue to work with the individual States to resolve the outstanding State certification process under section 401 of the Clean Water Act, as well as work with other Federal agencies, including the U.S. Fish and Wildlife Service, to satisfy its obligations under other Federal statutes.

In addition, this two-year moratorium provides the regulated community with additional time to evaluate and provide public comment on EPA's draft Vessel General Permit. EPA should utilize this two-year period to work with vessel owners and operators, and hopefully address any technical or practical implementation questions raised by the regulated community.

In essence, this two-year moratorium provides EPA with adequate time to complete its statutory obligations under the Clean Water Act and other Federal statutes, and be ready to implement the appropriate Clean Water Act mechanisms for controlling, minimizing, and properly addressing vessel discharges at the end of the moratorium.

S. 3298 also directs the Environmental Protection Agency, in coordination with the U.S. Coast Guard and other interested Federal agencies to conduct a study on discharges incidental to the normal operation of a vessel. The intent of this study is to provide the Agency and the Congress with additional information on the nature, types, volumes, and composition of vessel discharges, and the potential impact of these discharges on human health, welfare, or the environment.

S. 3298 specifically excludes three types of discharges from the scope of the study: discharges from vessels of the Armed Forces, discharges of sewage from vessels, and the discharge of ballast water. The Committee believes that all three types of discharges have been studied in the past, and should be excluded from the scope of this study to ensure that the Administrator is able to meet the 15-month deadline in this legislation. This study should cover only those discharges which EPA determines are ''incidental to the normal operation of a vessel'' and should exclude those discharges that are not necessary for the operation of a vessel, such as the discharge of dry cleaning byproducts, photo processing chemicals, medical wastes, and noxious liquid substance residues—all of which were similarly excluded from the scope of coverage under EPA's Vessel General Permit.

In sum, 3298 is a narrowly tailored compromise that should provide certain vessel owners and operators and the Environmental Protection Agency with sufficient time and information to better understand the implications of discharges incidental to the normal operation of a vessel and, at the same time, preserve the goals of the Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters.

I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Again, I want to praise a number of our colleagues, first and foremost among them, the chairman of the full committee, Mr. OBERSTAR, who introduced just yesterday, I think, H.R. 6556, and, again, would indicate that anyone that followed the House schedule doesn't need to adjust their television set. We are, in fact, doing Senate 3298 and not House bill 6556.

Again, it's thanks to the pressure, and I didn't know I was citing a biblical verse before, but give thanks to the pressure exerted by Chairman OBERSTAR indicating that we were prepared to proceed.

Just a quick story about those 200 meters to the other side, there is a rather famous clock on the other side of the Capitol called the Ohio Clock. Every time I have been over there it doesn't seem to be working, but it's right twice a day, and I think once today at least and in passing these pieces of legislation, the United States Senate has sent us a good piece of legislation, which we can send on to the President.

I rise in support of Senate 3298, and this has been the result of bipartisan, bicameral discussions by a number of Members on the Committee on Transportation and Infrastructure.

The House is taking action to approve this bill in conjunction with the recreational boating measure that we just passed, the court decision which would require this permitting business that we have talked about that was never contemplated by the Clean Water Act.

The bill will exempt small commercial vessels and all fishing vessels from obtaining these permits for 2 years while the agency studies the nature of impacts and discharges that are normal to the operation of these vessels. Following the submission of the required report, Congress will have better tools to determine if these discharges should be regulated or exempted, as is the case with recreational vehicles.

Enactment of this legislation and its companion will carry out an agreement made with Chairman OBERSTAR to address the entire scope of vessels that will be impacted by the pending EPA permit program.

I, again, want to commend Chairman OBERSTAR, thank him for working with us, and on our side of the aisle someone who has been dogged, and, I think, concerned as GENE TAYLOR of Mississippi was on the Democratic side of the aisle, on our side of the aisle Mr. YOUNG of Alaska and Mr. LOBIONDO of New Jersey were afraid that because we have 14 million recreational boaters, perhaps we would deal with that issue and then leave this issue hanging in limbo.

But, again, as a result of the reaching across the aisle and across the Capitol, can-do spirit of Chairman OBERSTAR, we were able to come to this moment in time. I guess the only thing that we can hope, is if the reference to the slumbering dinosaur is accurate, that 2 years is enough time for them to again awaken from their slumber and solve this problem when this moratorium expires.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further speakers on our side and reserve the balance of the time.

Mr. LATOURETTE. Mr. Speaker, at this time it's my pleasure to yield such time as he may consume to one of the aforementioned champions on this issue, the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I am very pleased to have the opportunity to rise on this piece of legislation and the one prior, S. 2766.

Mr. OBERSTAR, let me again tip my hat to you. I continue to be amazed and impressed at the bag of pixie dust you sometimes carry around for special circumstances to get the other body to move when it looks like they have no movement in their mind at all.

As Mr. OBERSTAR and Mr. LATOURETTE so accurately detailed on the previous bill, S. 2766, and for this bill S. 3298, thanks to the Ninth District Court of San Francisco, who have added to their disgraceful list of decisions on how they are completely disconnected from the real world, and what actually happens in people's lives, we are forced to deal with these issues.

When we have people that are upset with us, we want to make sure that they understand that this is the Ninth Circuit Court, it wasn't the EPA. We are very hopeful that the EPA will take the time necessary to look at this very closely.

I rise in very strong support of S. 3298. A few minutes ago the House considered a bill that I also strongly support to permanently exempt over 15 million recreational vessels from being slapped with $32,000 in fines daily for incidental discharges, and that's the part that I think that gripes us the most, is incidental discharges.

But the bill, I think, needed to have a little bit extra attention in a particular area. It didn't really treat all boats equally. While the bill did exempt recreational vessels and other small commercial boats, like many of the fishing vessels and tour-boat operators in my district, they would not have received an exemption. It would have been unfair to provide exemptions for 15 million recreational vessels while refusing to extend the same exemption to approximately 30,000 commercial vessels that are of equal and, in many cases, a smaller size.

In addition, rainwater runoff, bilge water and engine-cooling water and other charges are materially the same, regardless of whether they are discharged from a recreational vessel, a

fishing vessel or a small tour boat. Since the Clean Water Act's inception in 1973, these discharges have been exempt from EPA permitting. For 35 years these exemptions have been accepted by Congress and have stood unchallenged in the courts. But, more importantly, these exemptions have been applied to all vessels equally. Therefore, it was fair.

The commercial fishing industry in my district is the second largest on the east coast, but it's suffering from a lot of the stress and strains that other areas of the economy is, increased fuel costs, catch limitations and the economic slump in general.

Now this infamous court in California is attempting to make things worse by forcing the EPA to make our fishermen abide by costly permits or face tens of thousands of daily fines and lawsuits. At a time when our economy is experiencing a downturn, it is critically important that Congress move both of these bills, S. 2766 and S. 3298, to protect both the recreational and commercial boating industry, and the millions of jobs that they support from unfair regulations. While S. 3298 does not go as far as I would have liked, it represents a very fair compromise.

I want to take the time again to thank Mr. OBERSTAR, Mr. MICA and Mr. LATOURETTE for their work on these issues, as well as many others in this Congress. The 2 years that we have for the exemption or the extension will give the EPA some of the time they have requested to study the issue of incidental discharges and their effect on the environment before being forced to implement regulations by a court.

While I support this legislation, I would like to clarify language in the bill that excludes fishing vessels from this temporary exemption when they are secured to a storage facility or a seafood-processing facility. It is clear this language applies to fishing vessels that are permanently secured or are at least secured for extended periods of time to a storage facility or to a seafood-processing facility, and is not meant to apply when a fishing vessel is unloading its catch at a seafood-processing facility docked at the processing facility for a short period of time or stored at the facility during the off season.

With that, I would like to again thank Chairman OBERSTAR, Ranking Member MICA, Mr. LATOURETTE and all the others who have worked so hard on this. I especially want to thank Mr. TAYLOR. We had many early morning meetings, but we got a lot accomplished.

□ 1545

Mr. OBERSTAR. I am prepared to close on this side after the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time for the purpose of closing.

Mr. Speaker, just a couple of observations. I am glad that, again, Mr. LOBIONDO has singled out GENE TAYLOR of Mississippi, who is a tireless champion on a number of these issues, and was dead set, as was Mr. LOBIONDO and Mr. YOUNG, on making sure that this piece moved with the other piece. And in honor of Mr. TAYLOR today on the floor, I actually wore chinos and a blue blazer, which is the Taylor national uniform, to commemorate his participation in the House of Representatives.

The other thing, before I came over to the floor I got the benefit of an e-mail that is being sent around by some environmental groups indicating that this somehow is a dangerous bill and is going to lead to pollution. And again, I will tell you, for those that are weak at heart and maybe nervous about that type of communication, first, again, over 99 percent of the recreational vehicles and vessels we are talking about don't have any ballast water. So the ballast water and invasive species issue that we are attempting to deal with is a nonstarter, literally, a red herring.

The second piece, and that is that somehow we are authorizing the discharge of noxious chemicals and pollutants into the water stream is also not correct, in that that was taken care of in the Oil Pollution Act of 1990. And what we are truly talking about here, Mr. Speaker, are incidental discharges, as I think I described during the discussion of the other bill.

I am grateful that we were able to permanently take care of our recreational friends; that we now have a 2-year window with which to collect additional data to make sure we get it right on fishing vessels.

I again commend Mr. OBERSTAR and our committee and our friends in the Senate for getting it to us; and hopefully President Bush will sign this soon, and this problem will be taken care of.

I yield back the balance of our time.

Mr. OBERSTAR. To the list of encomiums that have been expressed on the floor during this discussion, I add that of Mr. MICA, who has participated all through the process in partnership, as we do on our committee, in crafting the approach, agreeing to separate tracks for the two bills, to patience waiting for the other body, and I greatly appreciate the support of the gentleman from Florida (Mr. MICA), our ranking member.

To all Members who have given so much of their time and energy and pointing out, as several have done, that if we don't act, as we are doing today, if we don't act promptly, come the start of commercial fishing season, there could be a shutdown of the entire industry with calamitous economic consequences, and we don't want that to happen.

So we are here now to bring this bill to conclusion, a 2-year moratorium, give the regulated users, boaters, time to evaluate to provide public comment on EPA's draft vessel general permit.

We also caution EPA to use this 2-year period to work with the vessel owners within the context of that court ruling and address technical or practical implementation issues raised in this entire context. There should be plenty of time for EPA to complete statutory obligations under the Clean Water Act and other statutes, and address vessel discharges at the end of this moratorium period so we don't have to have another crisis situation again.

And I know that all those who are engaged in the commercial boating activities will appreciate the dispatch with which we have acted. And I assure one and all that we would have acted weeks ago had it not been out of respect for the other body and the procedural problems encountered in moving bills over there.

Again, I thank all those who have given so much of their time and energy and early morning meetings, yes, to resolution of this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 3298.

The Clean Water Act is clear in its mandate that point source discharges into waters of the United States are subject to regulation. But while the law is clear on this point, the Act is less clear in providing guidance on how to deal with the concerns of mobile sources.

Discharges from vessels complicate this matter all the more. First, the sheer numbers of vessels make pollution control and regulation challenging.

Second—and very importantly—we are unclear on the effects of many of the discharges that emanate from vessels.

Third, efforts to address mobile sources of pollution are inherently more complicated than that of stationary ones.

For many years—from 1973 to 2005—the Environmental Protection Agency avoided these vexing issues by decreeing that discharges incidental to the normal operation of a vessel were exempt from regulation.

While a convenient and understandable approach to the challenges of regulating vessels under the Clean Water Act, EPA did nothing to control or even understand the nature of discharges that stemmed from vessels.

In 2005, however, a federal court ruled that EPA had acted in excess of its authority in "exempting an entire category of discharges" from regulation under the Clean Water Act. As a result of this Court decision, all vessels would be subject to Clean Water Act permitting requirements by September 30th of this year.

in both pieces of legislation before us today—in this bill, S. 3298 as well as in the Clean Boating Act—we seek to strike a balance among the various factors that have been central to the issue of minimizing pollution from vessels. And I believe we have been successful in realizing this challenge.

Central to S. 3298 is a moratorium of 2 years from regulation for a majority of vessels potentially eligible.

During this time, the EPA will do what it has not done enough of before—rigorously study what vessels actually discharge, and what the human health and environmental effects of those discharges might be.

This will provide the Congress with additional information that will allow us to properly

address whether, what, and how the discharge of pollutants from vessels should be addressed.

Among the vessels that will be subject to the moratorium is much of the Nation's fishing fleet. We recognize the financial margins that fishermen are subject to, and realize it would not be prudent to control their various discharges without better information.

However, given the uncertainty related to the types, volumes, and composition of discharges from larger commercial vessels, such as cruise ships and super-tankers, these vessels are excluded from the 2 year moratorium. This is only right. Our Nation's valuable fisheries and coastal areas should not be subject to the discharge of pollutants that enter our Nation's waters in such quantities.

Mr. Speaker, S. 3298 strikes an appropriate balance between precaution and commerce, and between aquatic health and pragmatism.

I urge my colleagues to vote for this legislation today.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 3298.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 294) to reauthorize Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passenger Rail Investment and Improvement Act of 2008''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2009, $525,000,000.
(2) For fiscal year 2010, $600,000,000.
(3) For fiscal year 2011, $614,000,000.
(4) For fiscal year 2012, $638,000,000.
(5) For fiscal year 2013, $654,000,000.

(b) INSPECTOR GENERAL.—Out of the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary of Transportation for the Office of the Inspector General of Amtrak the following amounts:

(1) For fiscal year 2009, $20,368,900.
(2) For fiscal year 2010, $22,586,000.
(3) For fiscal year 2011, $24,337,000.
(4) For fiscal year 2012, $26,236,000.
(5) For fiscal year 2013, $28,287,000.

(c) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to improve the accessibility of facilities, including rail platforms, and services the following amounts:

(1) For fiscal year 2009, $68,500,000.
(2) For fiscal year 2010, $240,000,000.
(3) For fiscal year 2011, $240,000,000.
(4) For fiscal year 2012, $240,000,000.
(5) For fiscal year 2013, $240,000,000.

(d) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national rail passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2009, $1,202,000,000.
(2) For fiscal year 2010, $1,321,000,000.
(3) For fiscal year 2011, $1,321,000,000.
(4) For fiscal year 2012, $1,427,000,000.
(5) For fiscal year 2013, $1,427,000,000.

(e) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (d), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 41.60 percent for fiscal year 2009.
(2) 38 percent for fiscal year 2010.
(3) 38 percent for fiscal year 2011.
(4) 35 percent for fiscal year 2012.
(5) 35 percent for fiscal year 2013.

(f) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (d) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL AND INTEREST ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal and payment of interest on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2009, $345,000,000.
(B) For fiscal year 2010, $345,000,000.
(C) For fiscal year 2011, $345,000,000.
(D) For fiscal year 2012, $345,000,000.
(E) For fiscal year 2013, $345,000,000.

(2) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(3) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in

existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 103. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2009 through 2013 to carry out the rail cooperative research program under section 24910 of title 49, United States Code; and

(2) $5,000,000 for fiscal year 2009, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly owned corporation to manage that equipment.

SEC. 104. TUNNEL PROJECT.

(a) NEW TUNNEL ALIGNMENT AND ENVIRONMENTAL REVIEW.—Not later than September 30, 2013, the Federal Railroad Administration, working with Amtrak, the City of Baltimore, State of Maryland, and rail operators described in subsection (b), shall—

(1) approve a new rail tunnel alignment in Baltimore that will permit an increase in train speed and service reliability; and

(2) ensure completion of the related environmental review process.

(b) AFFECTED RAIL OPERATORS.—Rail operators other than Amtrak may participate in activities described in subsection (a) to the extent that they can demonstrate the intention and ability to contribute to the construction of the new tunnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section $60,000,000 for the period encompassing fiscal years 2009 through 2013.

SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

SEC. 106. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9–1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons.''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of Directors

''(a) COMPOSITION AND TERMS.—

''(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) Eight individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system not later than 1 year after the date of enactment of this Act; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2013—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, such as Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in the financial results of Amtrak's operations;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis; and

(15) prior fiscal year and projected equipment reliability statistics.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a), (c), and (d), 102, and 103(2) of this Act.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 208. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 9 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2024, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(d) of this Act for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(f) of this Act, the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 209. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) one member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per

diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long-term capital investment needs beyond the state-of-good-repair under section 208 of the Passenger Rail Investment and Improvement Act of 2008;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety enhancements;

''(7) equipment design;

''(8) marketing of rail services;

''(9) future capacity requirements; and

''(10) potential funding and financing mechanisms for projects of corridor-wide significance.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

''(iii) all financial contributions made by an operator of a service, including but not limited to, for any capital infrastructure investments, as well as for any in-kind services, are considered;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(b) CONFORMING AMENDMENTS.—(1) Section 24904(c)(2) is amended by—

(A) inserting ''commuter rail passenger and'' after ''between''; and

(B) striking ''freight'' in the second sentence.

(2) The chapter analysis for chapter 249 is amended by striking the item relating to section 24905 and inserting the following:

''24905. Northeast Corridor Infrastructure and Operations Advisory Commission.''.

(c) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, DC and New York City—

(i) in 2 hours and 30 minutes;

(ii) in 2 hours and 15 minutes; and

(iii) in 2 hours; and

(B) between New York City and Boston—

(i) in 3 hours and 15 minutes;

(ii) in 3 hours; and

(iii) in 2 hours and 45 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement, including but not limited to, any adverse impact on existing and projected intercity, commuter, and freight service; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) REPORT.—Within 1 year after the date of enactment of this Act, Amtrak shall submit a written report containing the results of the study required under this subsection to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate;

(D) the Committee on Appropriations of the Senate; and

(E) the Federal Railroad Administration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $5,000,000.

SEC. 210. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires 18 months after the date of enactment of this Act.

(b) DEBT RESTRUCTURING.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary of the Treasury and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of the Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 102(a)(1) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Committee on Transportation and Infrastructure

of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, by November 1, 2009—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 211. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, including issues related to the raising of passenger rail station platforms, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include a detailed plan and schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2) by the 2010 statutory deadline for station accessibility. Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by February 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue the Final Rule to its Notice of Proposed Rulemaking of February 27, 2006, on ''Transportation for Individuals with Disabilities,'' after Amtrak submits its evaluation, Amtrak shall, not later than 120 days after the date the Final Rule is published, submit to the above parties a supplemental evaluation on the impact of those changes on its cost and schedule for achieving full compliance.

SEC. 212. OVERSIGHT OF AMTRAK'S COMPLIANCE WITH ACCESSIBILITY REQUIREMENTS.

Using the funds authorized by section 101(f) of this Act, the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak's compliance with applicable sections of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1974 to ensure that Amtrak's services and facilities are accessible to individuals with disabilities to the extent required by law.

SEC. 213. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accordance with the methodology established pursuant to section 206 of this Act.

SEC. 214. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.—

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking ''plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002.'' and inserting ''plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013.''; and

(B) by striking the last sentence and inserting ''Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.''.

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2009 through 2013.

SEC. 215. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

''§ 24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness in improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies and improving financial results; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability.''.

SEC. 216. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 217. CONGESTION GRANTS.

(a) AUTHORITY.—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation.

(b) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include projects—

(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors; and

(2) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—The Secretary shall not make a grant under this section for a project without adequate assurances that the project will be completed in full compliance with all applicable Federal and State environmental laws and regulations.

(d) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

(e) EMPLOYEE PROTECTION.—The recipient of a grant under this section shall agree to comply with the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of such title.

SEC. 218. PLAN FOR RESTORATION OF SERVICE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for restoring passenger rail service between New Orleans, Louisiana, and Sanford, Florida. The plan shall include a projected timeline for restoring such service, the costs associated with restoring such service, and any proposals for legislation necessary to support such restoration of service. In developing the plan, Amtrak shall consult with representatives from the States of Louisiana, Alabama, Mississippi, and Florida, railroad carriers whose tracks may be used for such service, rail passengers, rail labor, and other entities as appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $1,000,000.

SEC. 219. LOCOMOTIVE BIOFUEL STUDY.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight and passenger rail operators could use biofuel blends to power its locomotive fleet and other vehicles that operate on rail tracks.

(b) DEFINITION.—For purposes of this section, the term ''biofuel'' means a fuel that

utilizes renewable resources and is composed substantially of a renewable resource blended with ethanol, methanol, or other additive.

(c) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) the energy intensity of various biofuel blends compared to diesel fuel;

(2) the emission benefits of using various biofuel blends compared to locomotive diesel fuel;

(3) the cost of purchasing biofuel blends;

(4) the public benefits derived from the use of such fuels; and

(5) the effect of biofuel use on relevant locomotive and other vehicle performance.

(d) LOCOMOTIVE TESTING.—As part of the study, the Federal Railroad Administration shall test locomotive engine performance and emissions using blends of biofuel and diesel fuel in order to recommend a premium locomotive biofuel blend.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Railroad Administration shall issue the results of this study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 to carry out this section, to remain available until expended.

SEC. 220. STUDY OF THE USE OF BIOBASED LUBRICANTS.

Not later than 180 days after the date of enactment of this Act, the Federal Railroad Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study of the feasibility of using readily biodegradable lubricants by freight and passenger railroads. The Federal Railroad Administration shall work with an agricultural-based lubricant testing facility or facilities to complete this study. The study shall include—

(1) an analysis of the potential use of soy-based grease and soy-based hydraulic fluids to perform according to railroad industry standards;

(2) an analysis of the potential use of other readily biodegradable lubricants to perform according to railroad industry standards;

(3) a comparison of the health and safety of petroleum-based lubricants with biobased lubricants, which shall include an analysis of fire safety; and

(4) a comparison of the environmental impact of petroleum-based lubricants with biobased lubricants, which shall include rate and effects of biodegradability.

SEC. 221. APPLICABILITY OF BUY AMERICAN ACT.

Section 24305(f) is amended to read as follows:

''(f) APPLICABILITY OF BUY AMERICAN ACT.—Amtrak shall be subject to the Buy American Act (41 U.S.C. 10a–d) and the regulations thereunder, for purchases of $100,000 or more.''.

SEC. 222. INTERCITY PASSENGER RAIL SERVICE PERFORMANCE.

(a) DEVELOPMENT OF EVALUATION METRICS.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall, using the financial and performance metrics developed under section 207, develop metrics for the evaluation of the performance and service quality of intercity passenger rail services including cost recovery, on-time performance and minutes of delay, ridership, onboard services, maintenance of facilities and equipment, and other services.

(b) IDENTIFICATION OF WORST PERFORMING ROUTES.—On the basis of these metrics, the Inspector General shall identify the five worst performing Amtrak routes.

(c) ALTERNATIVE ROUTES.—The Inspector General shall also establish criteria for evaluating routes not currently served by Amtrak which might be able to support passenger rail service at a reasonable cost.

(d) REPORT TO CONGRESS.—The Inspector General shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending a process for the Department of Transportation to consider proposals by Amtrak and others to serve underperforming routes, and routes not currently served by Amtrak. The proposals shall require that applicants follow grant requirements of section 504. The Inspector General shall recommend one route not currently served by Amtrak and two routes (from among the five worst routes identified under subsection (b)) currently served by Amtrak, for the Department of Transportation to consider under the selection process.

(e) IMPLEMENTATION.—The Secretary shall not implement the selection process recommended by the Inspector General under subsection (d) until legislation has been enacted authorizing the Secretary to take such action.

SEC. 223. AMTRAK INSPECTOR GENERAL UTILIZATION STUDY.

Not later than 9 months after the date of enactment of this Act, the Amtrak Inspector General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Amtrak's utilization of its facilities, including the Beech Grove Repair facility in Indiana. The report shall include an examination of Amtrak's utilization of its existing facilities to determine the extent Amtrak is maximizing the opportunities for each facility, including any attempts to provide maintenance and repair to other rail carriers. In developing this report, the Amtrak Inspector General shall consult with other railroad carriers as it deems appropriate.

SEC. 224. AMTRAK SERVICE PREFERENCE STUDY.

Not later than 6 months after the date of enactment of this Act, the Surface Transportation Board shall transmit to the Congress a report containing—

(1) the findings of a study of the effectiveness of the implementation of section 24308(c) of title 49, United States Code, in ensuring the preference of Amtrak service over freight transportation service; and

(2) recommendations with respect to any regulatory or legislative actions that would improve such effectiveness.

SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFETY.

(a) STUDY; OTHER ACTIONS.—The Secretary of Transportation shall—

(1) conduct a study, in consultation with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, the Department of the Interior, appropriate representatives of the railroad industry, and representative stakeholders, on ways to streamline compliance with the requirements of section 303 of title 49, United States Code, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for federally funded railroad infrastructure repair and improvement projects;

(2) take immediate action to cooperate with the Alaska Railroad, the Alaska State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad involving property and facilities that have disputed historic significance; and

(3) take immediate action to cooperate with the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Virginia State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the results of the study conducted under subsection (a)(1) and the actions directed under subsection (a)(2) and (3). The report shall include recommendations for any regulatory or legislative amendments that may streamline compliance with the requirements described in subsection (a)(1) in a manner consistent with railroad safety and the policies and purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), section 303 of title 49, United States Code, and section 8(d) of Public Law 90–543 (16 U.S.C. 1247(d)).

SEC. 226. COMMUTER RAIL EXPANSION.

(a) FINDINGS.—The Congress find the following:

(1) In 2006, Americans took 10,100,000,000 trips on public transportation for the first time since 1949.

(2) The Northeast region is one of the Nation's largest emerging transportation ''megaregions'' where infrastructure expansion and improvements are most needed.

(3) New England's road traffic has increased two to three times faster than its population since 1990.

(4) Connecticut has one of the Nation's longest average commute times according to the United States Census Bureau, and 80 percent of Connecticut commuters drive by themselves to work, demonstrating the need for expanded commuter rail access.

(5) The Connecticut Department of Transportation has pledged to modernize, repair, and strengthen the rail line infrastructure to provide for increased safety and security along a crucial transportation corridor in the Northeast.

(6) Expanded New Haven-Springfield rail service would improve access to Bradley International Airport, one the region's busiest airports, as well as to Hartford, Connecticut, and Springfield, Massachusetts, two of the region's commercial, residential, and industrial centers.

(7) Expanded commuter rail service on the New Haven-Springfield line will result in an estimated 630,000 additional trips per year and 2,215,384 passenger miles per year, helping to curb pollution and greenhouse gas production that vehicle traffic would otherwise produce.

(8) The MetroNorth New Haven Line and Shore Line East railways saw respective 3.43 percent and 4.93 percent increases in ridership over the course of 2007, demonstrating the need for expanded commuter rail service in Connecticut.

(9) Expanded New Haven-Springfield commuter rail service will provide transportation nearly 17 times more efficient in

terms of average mileage versus road vehicles, alleviating road congestion and providing a significant savings to consumers during a time of high gas prices.

(b) SENSE OF CONGRESS.—It is the Sense of the Congress that expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, is an important transportation priority, and Amtrak should work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on such line.

(c) INFRASTRUCTURE MAINTENANCE REPORT.—Amtrak shall submit a report to Congress and the State Departments of Transportation of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven, Connecticut, and Springfield, Massachusetts.

SEC. 227. SERVICE EVALUATION.

Not later than 1 year after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of an evaluation of passenger rail service between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244—INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"§ 24401. Definitions

''In this chapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

"§ 24402. Capital investment grants to support intercity passenger rail service

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

''(D) Projects that are—

''(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

''(K) Projects that encourage intermodal connectivity, create significant opportunity for State and private contributions toward station development, are energy and environmentally efficient, and have economic benefits.

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs in fiscal years 2002, 2003, 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded in fiscal years 2009, 2010, and 2011 under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(j) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''(k) BICYCLE ACCESS.—Grants under this chapter may be used to provide bicycle access into rolling stock, and to provide bicycle racks in trains.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this chapter, the Secretary of Transportation may approve the use of capital assistance under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

''(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

''(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

''(1) the Alaska Railroad or its contractors; or

''(2) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225—STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''§ 22501. Definitions

''In this chapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high-speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this chapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

''The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 103(2) of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations;

''(12) to review rail crossing safety improvements, including improvements using new safety technology; and

''(13) the development and use of train horn technology, including, but not limited to, broadband horns, with an emphasis on reducing train horn noise and its effect on communities.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program.''.

SEC. 305. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, France, China, Spain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high-speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

SEC. 401. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V is amended by adding at the end the following:

"CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

"§ 28501. Definitions

''In this chapter—

''(1) the term 'Board' means the Surface Transportation Board;

''(2) the term 'capital work' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

''(3) the term 'fixed guideway transportation' means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

''(4) the term 'public transportation authority' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

''(5) the term 'rail carrier' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

''(6) the term 'segregated fixed guideway facility' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

''(7) the term 'trackage' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

"§ 28502. Surface Transportation Board mediation of trackage use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way

for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

''§ 28504. Applicability of other laws

''Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

''§ 28505. Rules and regulations

''Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

''285. COMMUTER RAIL TRANSIT ENHANCEMENT ..... 28501''.

SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AMTRAK.

Amtrak shall engage in good faith discussions, with commuter rail entities and regional and State public transportation authorities operating on the same trackage owned by a rail carrier as Amtrak, with respect to the routing and timing of trains to most efficiently move a maximal number of commuter, intercity, and regional rail passengers, particularly during the peak times of commuter usage at the morning and evening hours marking the start and end of a typical work day, and with respect to the expansion and enhancement of commuter rail and regional rail public transportation service.

TITLE V—HIGH-SPEED RAIL

SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end thereof the following:

''§ 26106. High-speed rail corridor program

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor program.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

''(2) CORRIDOR.—The term 'corridor' means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

''(3) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

''(4) HIGH-SPEED RAIL.—The term 'high-speed rail' means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

''(5) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(7) STATE.—The term 'State' means any of the 50 States or the District of Columbia.

''(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

''(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

''(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

''(B) conduct a national solicitation for applications; and

''(C) award grants on a competitive basis.

''(2) GRANT CRITERIA.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

''(A) is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008;

''(B) is based on the results of preliminary engineering;

''(C) has the legal, financial, and technical capacity to carry out the project; and

''(D) is justified based on the ability of the project—

''(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

''(ii) to increase mobility of United States citizens and reduce congestion, including impacts in the State, region, and Nation; and

''(iii) to otherwise enhance the national transportation system.

''(3) PROJECT SELECTION CRITERIA.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

''(A) makes a substantial contribution to providing the infrastructure and equipment required to complete a high-speed rail corridor;

''(B) leverages Federal investment by encouraging non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the high-speed rail corridor and service; and

''(C) helps protect the environment.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

''(g) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations for carrying out this section.

''(h) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section $350,000,000 for each of fiscal years 2009 through 2013.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

''26106. High-speed rail corridor program.''.

SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—

(A) NORTHEAST CORRIDOR.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a request for proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(B) OTHER PROJECTS.—After a report is transmitted under subsection (e) with respect to projects described in subparagraph (A), the Secretary of Transportation may issue a request for proposals for additional projects for the financing, design, construction, and operation of a high-speed rail system operating on any other corridor in the United States. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(2) CONTENTS.—A proposal submitted under paragraph (1) shall include—

(A) the names and qualifications of the persons submitting the proposal;

(B) a detailed description of the proposed route and its engineering characteristics and of all infrastructure improvements required to achieve the planned operating speeds and trip times;

(C) how the project would comply with Federal rail safety regulations which govern the track and equipment safety requirements for high-speed rail operations;

(D) the peak and average operating speeds to be attained;

(E) the type of equipment to be used, including any technologies for—

(i) maintaining an operating speed the Secretary determines appropriate; or

(ii) in the case of a proposal submitted under paragraph (1)(A), achieving less than 2-hour express service between Washington, DC, and New York City;

(F) the locations of proposed stations, identifying, in the case of a proposal submitted under paragraph (1) (A), a plan allowing for station stops at or in close proximity to the busiest Amtrak stations;

(G) a detailed description of any proposed legislation needed to facilitate the project;

(H) a financing plan identifying—

(i) sources of revenue;

(ii) the amount of any proposed public contribution toward capital costs or operations;

(iii) ridership projections;

(iv) the amount of private investment;

(v) projected revenue;

(vi) annual operating and capital costs;

(vii) the amount of projected capital investments required (both initially and in subsequent years to maintain a state of good repair); and

(viii) the sources of the private investment required, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment;

(I) a description of how the project would contribute to the development of a national high-speed rail system, and an intermodal plan describing how the system will connect with other transportation links;

(J) labor protections that would comply with the requirements of section 504;

(K) provisions to ensure that the proposal will be designed to operate in harmony with existing and projected future intercity, commuter, and freight service;

(L) provisions for full fair market compensation for any asset, property right or interest, or service acquired from, owned, or

held by a private person or non-Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity; and

(M) a detailed description of the environmental impacts of the project, and how any adverse impacts would be mitigated.

(3) DOCUMENTS.—Documents submitted or developed pursuant to this subsection shall not be subject to section 552 of title 5, United States Code.

(b) DETERMINATION OF COST EFFECTIVENESS AND ESTABLISHMENT OF COMMISSIONS.—Not later than 60 days after receipt of a proposal under subsection (a), the Secretary of Transportation shall—

(1) make a determination as to whether the proposal is cost effective; and

(2) for each corridor for which one or more cost effective proposals are received, establish a commission under subsection (c).

(c) COMMISSIONS.—

(1) MEMBERS.—The commission referred to in subsection (b)(2) shall consist of—

(A) the governor of the affected State or States, or their respective designees;

(B) a rail labor representative, a representative from a rail freight carrier using the relevant corridor, and a commuter authority using the relevant corridor, appointed by the Secretary of Transportation, in consultation with the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Secretary of Transportation or his designee;

(D) the president of Amtrak or his designee; and

(E) the mayors of the three largest municipalities serviced by the proposed high-speed rail corridor.

(2) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice Chairperson shall be elected from among members of the Commission.

(3) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals with respect to which the commission was established, and not later than 90 days after the establishment of the commission, shall transmit to the Secretary, and to the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report which includes—

(A) a summary of each proposal received;

(B) a ranking of the order of the proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties;

(C) an indication of which proposal or proposals are recommended by the commission; and

(D) an identification of any proposed legislative provisions which would facilitate implementation of the recommended project.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(e) SELECTION BY SECRETARY.—Not later than 60 days after receiving a report from a commission under subsection (d)(1), the Secretary of Transportation shall transmit to the Congress a report that ranks all of the recommended proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties.

(f) NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT STUDY.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of an economic development study of Amtrak's Northeast Corridor service between Washington, DC, and New York City. Such study shall examine how to achieve maximum utilization of the Northeast Corridor as a transportation asset, including—

(1) maximizing the assets of the Northeast Corridor for potential economic development purposes;

(2) real estate improvement and financial return;

(3) improved intercity, commuter, and freight services;

(4) optimum utility utilization in conjunction with potential separated high-speed rail passenger services; and

(5) any other means of maximizing the economic potential of the Northeast Corridor.

SEC. 503. HIGH-SPEED RAIL STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct—

(1) an alternatives analysis of the Secretary's December 1, 1998, extension of the designation of the Southeast High-Speed Rail Corridor as authorized under section 104(d)(2) of title 23, United States Code;

(2) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to the Port of Houston, Texas;

(3) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to Memphis, Tennessee; and

(4) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor south of San Antonio to a location in far south Texas to be chosen at the discretion of the Secretary.

These analyses shall consider changes that have occurred in the region's population, anticipated patterns of population growth, connectivity with other modes of transportation, ability of the designation to reduce regional traffic congestion, and the ability of current and proposed routings to meet the needs of tourists. The Secretary shall submit recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and conduct a redesignation of one or both corridors if necessary.

SEC. 504. GRANT CONDITIONS.

(a) DOMESTIC BUYING PREFERENCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, or the amendments made by this title, the grant recipient shall purchase only—

(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

(A) such requirements are inconsistent with the public interest;

(B) the cost of imposing the requirements is unreasonable; or

(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

(3) UNITED STATES DEFINED.—In this subsection, the term ''the United States'' means the States, territories, and possessions of the United States and the District of Columbia.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title, or the amendments made by this title, shall be considered a rail carrier as defined in section 10102(5) of title 49, United States Code, for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title, or the amendments made by this title, for a project that uses rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of title 49, United States Code; and

(2) the applicant agrees to comply with—

(A) the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of title 49, United States Code; and

(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title, or the amendments

made by this title, and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

(B) establishes a procedure for notifying such an employee of such positions;

(C) establishes a procedure for such an employee to apply for such positions; and

(D) establishes rates of pay, rules, and working conditions.

(2) IMMEDIATE REPLACEMENT SERVICE.—

(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

(1) the Alaska Railroad or its contractors; or

(2) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, S. 294.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. I yield myself such time as I may consume.

We move today on a somewhat unusual procedure to take up the Senate bill, S. 294, as amended, and use that vehicle to move us in going to conference with the other body on The Passenger Rail Investment and Improvement Act of 2008, the Amtrak reauthorization bill. The procedure we are using will allow us later today to move to go to conference with the Senate on their bill which is before us now, and our bill, H.R. 6003, that passed the House by a vote of 311–104 on June 11 of this year.

In that context, I just want to express again my great appreciation for the partnership we have had with Mr. MICA, whose constancy and, I should say, stirring initiative on behalf of intercity high speed passenger rail has been very, very, reassuring, encouraging, and is moving us toward that goal. And when we get this legislation enacted it will be more than a goal. It will become a reality.

And toward that end, the enormous amount of the success and of the movement in the direction of high speed passenger rail will go to the gentleman from Florida for his constant effort in that direction.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I might consume.

Again, I first have to compliment Mr. OBERSTAR. It has been a pleasure to work with him on this initiative. This is actually very historic in nature. The House of Representatives and the Congress has not passed an Amtrak reauthorization since 1997. That is 11 years.

One of the first things, when Mr. OBERSTAR and I met, when we took over the committee, I on the Republican side, he as the Chair of the committee for the new majority, we set some goals aside. One was to pass a WRDA bill, water resources, so our Nation would have water resources. We hadn't passed a bill in 7 years. And the last bill we passed was about a four or $5 billion authorization. We passed one for almost $24 billion, the first one, in, again, a long, long time.

We committed to try to reauthorize and authorize Amtrak, our national passenger rail service. And we have worked together. I have to compliment my colleague, Ms. BROWN, who chairs the Rail Subcommittee, and also I want to thank the Republican side of the aisle, Mr. SHUSTER, the gentleman from Pennsylvania, who also rolled up his sleeves and worked diligently, and for that we were able to pass, by a very wide margin in the United States House, about a month ago, I think it was 311 votes, a very wide margin, Amtrak reauthorization.

Now we have an opportunity to take to conference, the other body, the Senate has passed legislation. What we are doing today is taking the Senate bill and we are adding the language from the House because we want to negotiate a bill that can become law and make the changes that the House voted on a month ago, and that we will get a chance to vote on again today.

It is my hope that many of the highlights and provisions of the House Amtrak reauthorization will be included in the final conference report, and that will be the measure that both the House and Senate vote on individually, and hopefully we can get the President to sign into law.

But the conference process also gives us a chance to make further improvements, even on what the other body passed and what we passed about a month ago, as I said, because it is important that we make good Amtrak reforms. And some things we have learned even since we passed legislation in the House.

We want to open the door to more competition. And in a time when we are struggling to find positive solutions to address the energy crisis that our Nation is facing, it is important that we look at transportation alternatives that are cost effective and that can improve passenger rail service, just not in one area, but across the whole country that we have responsibility for.

So the bill that we have before us, S. 294, will be amended, and it will have the text of the House bill that we passed, again, a month ago. But one of the most important provisions is something, again, that I have insisted on trying to do, and that is to drag the

United States, kicking and screaming, into the 21st century of high speed rail.

In the proposal that I crafted in the bill, and with the help of Mr. OBERSTAR, Ms. BROWN, and Mr. SHUSTER, what we have is a simple provision. And it says that the Department of Transportation can take proposals from the private sector to develop, to finance, to construct and to operate high speed rail service.

We do have a caveat that we want high speed rail service from Washington to New York in 2 hours, and we want stops along the way to service areas. Now, some folks say, well, we have Acela. Yes, we do have Acela, and Acela's come a long way, and had some difficulty in its implementation. But I am not going to go there. I don't want to talk about the past. I want to talk about the future.

And the future is, stop and think about this. Going just a few blocks from here, from Union Station to New York City, Center City to downtown Manhattan in less than 2 hours, with stops along the way. Now, think of how that would revolutionize travel in the Northeast Corridor and in the United States.

Why start there? Because that is the only corridor that Amtrak owns. Amtrak runs over 22,000 miles of rail track, but that 22,000 miles of rail track, with the exception of a little over 700 miles, is all on private freight rail. The only thing that Amtrak owns as far as right-of-way, the primary piece of real estate it owns, and one of the most valuable real estate assets in the world, if not the United States, is the Northeast Corridor. And that Northeast Corridor, right now the way it is constructed, with commuter service, freight service and Acela service, doesn't operate very well.

So what we are asking is the private sector to come in, give us the ideas on how we can have high speed rail. Give us the ideas.

Now, I always say, folks, that we are sitting on our assets; the Federal government is sitting on our assets. And that Northeast Corridor is a great public asset that we all have interest in, the taxpayers out there have interest in. So we can take that asset and we can maximize its utilization, both as a utility corridor, as a high speed rail corridor, as a better commuter service corridor and as a better freight service corridor. So we take that and we get a better return. We develop it so that we have jobs, we have construction, we have service between here and New York in less than 2 hours. Think about that.

Instead of going out to National Airport or to Dulles, waiting for an hour and then on the other end trying to commute back in. Think of the people that we take off of the road. Think of the change in the pattern of travel in the Northeast Corridor. And I can tell you, even with next generation air traffic control technology, this is the most important thing that will impact aviation congestion in our country, because 78 percent of all of the delays in our entire national air space system and in aviation in this country ripple from New York City's air space.

□ 1600

It's congested air space out to the rest of the country. When you can't get into New York or out of New York, the rest of the system goes down, and there is nothing, even next-generation air traffic control that can make planes fly that much closer, to solve this problem.

What we're going to have to do is go to a different system, and that system is high-speed rail. And I would like for Amtrak to do it by themselves, but they are running long-distance service, and they are running other services. And we think that it's our last hope to have the private sector come in, which Amtrak would have them do anyways, and give us proposals as to how we can maximize the utilization, separate the traffic, and get true high-speed service in that order.

So that's the proposal. As I said, Amtrak now chugs along at 83 miles an hour. It's almost embarrassing to call that high-speed rail. That's Acela, not the other service. It's 83 miles an hour. In the rest of the world, Europe and Asia, high-speed is defined as between 120 and 150 miles an hour on average. So we can do the same thing. There is no reason why the United States cannot do the same thing to maximize the developmental potential of the Northeast corridor, the most densely populated and valuable corridor in the Nation.

So I think, again, working with Mr. OBERSTAR, Ms. BROWN, Mr. SHUSTER, we have a plan, we have a vision. We want the other body to go along with us. We think this is the way to go by substituting our bill this afternoon, and hopefully we can go to conference. Hopefully, we can go back to the American people and say we've done something that will impact energy, impact transportation, not just rail. Also, remember what I just said about aviation capacity in the United States, and we can do it all in this package.

This isn't an impossible dream. This is doable.

So I ask again that we give full consideration. I give full support, am pleased to join Mr. OBERSTAR in that effort as we change out the Senate bill 294, insert our legislation, and work with the other body again in bringing long-distance, high-speed, better passenger service rail service in not just the Northeast Corridor but with the reforms we've advocated for Amtrak for the whole Nation. We can do it. We must do it. And I look forward to doing it with Mr. OBERSTAR.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the Chair of the Rail Subcommittee, the gentlewoman from Florida (Ms. CORRINE BROWN), who has been such a strong, consistent, and unrelenting advocate for Amtrak and conducted over the last few years a Harry Truman-style campaign from the seat of an Amtrak passenger rail vehicle advocating for the moment we visit today.

Ms. CORRINE BROWN of Florida. I want to thank Chairman OBERSTAR for his leadership on this bill and on all transportation issues.

Mr. OBERSTAR is really a transportation guru. And to listen to Mr. MICA here today arguing for high speed rail—no, not arguing—debating, supporting, oh, we've come a long way in this country as far as the reauthorization of Amtrak. And this is an exciting day for the American people.

With gas prices rapidly rising to $5 a gallon, we could not be moving in conference on a more important bill than Amtrak reauthorization. I'm excited for the American people and the prospect of having more transportation options than getting in your cars and driving.

This weekend, I sent my mom to our family reunion, to Lakeland, Florida on Amtrak. Her trip was a perfect example of why we need to expand services, add, boost, and provide additional passenger and vehicle cars. The train she was riding on was so busy that people were actually sleeping on the floors of the train.

Amtrak's improvements on its physical state and recent focus on customer service, along with increasing highway and airport congestion and rising gas prices, have made interest in passenger rail more popular and necessary than ever. More than just a convenient way to travel, Amtrak is also energy efficient. Rail travel is more energy efficient and uses less fuel than cars or airplanes. According to the U.S. Department of Energy data, Amtrak is 17 percent more efficient than domestic airline travel and 21 percent more efficient than automobile travel.

Passenger rail also reduces global warming. The average passenger rail train produces 60 percent lower carbon emissions than cars and 50 percent less than airplanes.

In the fiscal year 2007, Amtrak carried more than 25.8 million passengers, the fifth straight year of record ridership. Like its ridership gains, Amtrak's fiscal performance has improved as well, posting $1.5 billion in ticket revenue. A gain of 10 percent.

On May 10, Amtrak celebrated National Train Day by holding events throughout the country showcasing interests in the passenger rail and its importance to the Nation. I celebrated National Train Day by holding events throughout my district, including press conferences and events in Jacksonville, Winter Park, and at the Sanford Auto Train station. Every event had a great turnout showing strong support for Amtrak, and I got to hear firsthand accounts of people who use Amtrak every day to go to work, visit friends and families all over the country.

Congress also showed strong support for Amtrak and passenger rail by passing legislation supporting Amtrak Train Day by a vote of 415–0.

Fifty years ago, President Eisenhower created the National Highway System which changed the way we travel in this country. Today, we need to do the same thing with passenger rail and make the level of investment necessary for it to become even more successful in the future.

I was in New Orleans this weekend with Speaker NANCY PELOSI, and at a press conference the Speaker stated the importance of investing in rail infrastructure. She stated that it is not only important to offer alternatives to highway travel, but is critical for transporting citizens out of harm's way during national disasters.

The United States used to be the best passenger rail service in the world. Now we are the caboose, and they don't even use cabooses any more. The American people deserve better. I believe this Amtrak Reauthorization will go a long way to restore the U.S. to its rightful place as a world leader in passenger rail. Going to conference with the Senate is the next major step in bringing our Nation's intercity passenger rail into the 21st century.

I encourage all of my colleagues to support this suspension bill which will allow the House and Senate to go to conference on Amtrak.

Mr. OBERSTAR. Madam Speaker, I yield for unanimous consent to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Speaker, I rise in strong support of S. 294, high speed rail, incredibly important in Amtrak.

Madam Speaker, I rise in support of S. 294, the Passenger Rail Investment and Improvement Act. As a New Yorker, I strongly support making travel easier, safer, and more affordable for my constituents and for all Americans who choose this method of travel. This bill mandates that preference be given to rail projects that have high levels of projected ridership and punctuality which will include the development of a high speed rail project between Washington and New York City. S. 294 serves to improve not only the quality of service on the most popular rail line in the country, but also will increase the availability and accessibility of mass transit to individuals. In this era of skyrocketing energy costs and global warming, encouraging the development of efficient mass transit options is very important to improve our economy and protect our environment.

As a frequent Amtrak user, I know how important it is for rail service in the Northeast Corridor to be in a constant state of "good repair." I am sure that thousands of my fellow passengers, men and women traveling for business or personal reasons on this popular railway also will appreciate this requirement.

Mr. OBERSTAR. Madam Speaker, we have no further speakers on our side. We're prepared to close after the gentleman from Florida has concluded on his side.

Mr. MICA. Madam Speaker, I do have two additional speakers. One is the distinguished gentleman from Ohio (Mr. LATOURETTE), the former chairman of the Rail Subcommittee and now the ranking Republican of the Coast Guard Committee, for as much time as he may consume.

Mr. LATOURETTE. I thank the gentleman for yielding.

And I want to add my congratulations to Mr. OBERSTAR and Mr. MICA as the leaders of our full committee and Ms. BROWN and Mr. SHUSTER, the leaders of the subcommittee, for getting to this point.

And I won't rehash all of the good things about this bill that have already been mentioned, but I want to highlight two things. One is thanks to some good work by Mr. Kummant who is now the head of Amtrak. We had a number of labor organizations who were operating without contracts for 8 years. And now those contracts have been tentatively settled, and Mr. Kummant is working hard, together with authorizations contained in this bill, money set aside, and perhaps appropriations for the Congress to implement those agreements, and clearly that's a good step forward, not only for the travelling public but for Amtrak and for people who work on the airlines.

And the second thing I want to highlight is sort of the hidden treasure of this bill, and that is the $350 million a year each year for 5 years. Again, the brainstorm of the chairman, Mr. OBERSTAR, to implement high-speed intercity rail transportation in this country.

And I thought that it's more than symbolic that the fellow who was Speaker pro tem for most of the session this morning, Mr. JACKSON of Chicago, should be replaced by Mrs. TUBBS JONES of Cleveland. And wouldn't it be wonderful to have a high-speed corridor go from Chicago, Illinois, to Cleveland, Ohio, and give people who are choking on the high cost of gasoline who don't want to fly that short distance to have the opportunity to go 120, 130, 150 miles an hour between Chicago and Cleveland. And that's the vision that Mr. MICA has talked about, and that's the vision that Mr. OBERSTAR has implemented in this bill.

It's a good piece of legislation, and it is really going to put the United States on the right track, as it were, and I'm grateful for all of your hard work.

Mr. MICA. Madam Speaker, I would like to yield for as much time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding again. Mr. OBERSTAR, thank you, and, Mr. MICA, thank you for working together.

When we see energy prices going through the ceiling, it is logical we would think in much different ways than we have in the past. Obviously, we want conservation. We want to see that our minivans, SUVs, cars, and trucks get better mileage. We want to see alternative forms of energy: wind, solar, geothermal. We want to see more efficiencies in electric generation, and we want to see greater production and more increase in supply.

I happen to think we need to be drilling off our coasts, much like Canada does, and supply natural gas for the New England area from its off-the-coast drilling off of Canada. But we also need public transportation.

We need high-speed transportation. It is a mystery to me how Amtrak could have built a high speed, a faster train that doesn't work properly. The Acela can't be used for what it was intended to be used for. It doesn't go faster because it can't tilt. It's three inches too wide. That speaks, I think, to Mr. MICA and others who suggest that we need to bring the private sector in to assist Amtrak.

More money for Amtrak makes sense. More public transportation for the American people makes sense. High-speed trains are long overdue. And I thank my colleagues for their efforts.

Mr. MICA. If I may, I would yield myself the balance of the time on our side.

In closing, let me address a couple of comments that have been made. First, Ms. BROWN was surprised to hear me speaking in favor of Amtrak reauthorization. And probably there are some people turning over in their graves that have since gone on to their higher rewards hearing me speak about that. But I have long been an advocate of public transit, transit alternatives, high-speed rail.

What I am not an advocate of is not good stewardship of the money that the hardworking Americans send to us. And people must realize we subsidize right now Amtrak to the tune of every single ticket sold to the tune of $50.12. Just take the number of passengers last year and divide it by the $1.2 billion given by Congress. So we've got to find a way to cut down that subsidization. We've got to find a way to actually get the most cost-effective transportation and make it available.

□ 1615

So it's not sometimes how much money we spend. It's how we spend it.

The reason I support this bill is because it has long-overdue reforms in it. Some of them deal with accounting and finance that Members don't want to hear about right now and mundane things. They may be mundane, but it will let us know what the bottom line is.

I come from a business background. I'm not an attorney. I want to know what the bottom line is, the cost, and we'll be able to determine the sum of Amtrak's finances, which we haven't been able to determine the costs in the past. We will be able to cut down that subsidization.

We will be able to bring in the private sector. Heaven forbid we should

have some of these routes—we can't tell how much they're costing us now exactly, and some routes, I hate to tell you exactly, some tickets are being underwritten as much as $300 per ticket according to the Government Accountability Office.

But that being said, how do we get the subsidization down and the relief for the taxpayers? And that's through some competition. This bill does provide, and the other body's also provided, for bringing in some competition. Let's see if it can be done for less, for a lower subsidy and cost effectively because we do want to provide transportation.

If you think people want transportation now, when we get through with this aviation crisis this year, they have already dropped 100 airports across the country or will drop by the end of the year in service because of high fuel costs. There will be an even greater demand for passenger rail service.

So we look at how we can do it most cost effectively. That should be the name of the game here, again, with these hardworking folks sending us their cash to expend it.

And this will never happen, even with the authorization. This authorization is a 5-year authorization, I believe in the neighborhood of $14 billion, give or take a billion here or there today, but $14 billion. Just do the math. If we're going from a $1.2 billion to a $1.9 billion subsidy and have $6 billion in backlog, plus they have debt, you can't make the kind of substantial improvements, say, for high-speed service that will cost billions of dollars. Only the private sector, in partnership with the Federal Government and again the State partners and others, can make that happen.

So that's the vision we have for making that happen, for putting in place the reforms that we need in Amtrak as far as its finances and getting better operations.

Let me also tell you an interesting thing I learned today. I never knew this. Today I was told that by authorizing this legislation for the first time in 11 years, listen to this, we will actually, by having authorization, the bond markets and finance markets will lower the amount that we have to pay, that the taxpayer has to pay, for the bonds and for the indebtedness that we already have for Amtrak. So we win again. Taxpayers will win again. We will have to pay less. We're paying about $300 million a year, I think, on bonded indebtedness in Amtrak, if my numbers are correct. So we win again with this reauthorization, those that are fiscal hawks like myself.

Finally, labor, how did somebody like a conservative Member from Florida sell this to some people in labor, and I said, When I came to Congress 16 years ago there were 28,000 people working for Amtrak. Today, there are 19,000 and the number is going down. Mr. LATOURETTE just talked about labor fighting with the Amtrak board to get their salary and wages when their brothers and sisters in the unions that represented the freight railroads were getting higher pay, better working conditions, better benefits, and settling with the private sector. They got it all.

So we can do that for people with the proposal that we have here, and we have the hope for more employment, a better transportation system, with benefits to the public and taking our asset, that asset that we're sitting on, the Northeast Corridor, and expanding it, making it something positive by any stretch of the imagination.

So with those couple of comments, Madam Speaker, I look forward to seeing high-speed rail because this will be a model, if we succeed in the Northeast Corridor, also for Speaker pro tem TUBBS JONES' communities that she serves, we can have a model, not just in the Northeast Corridor that Amtrak owns, but for communities throughout the Nation where it makes sense.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of our time, and in the interest of bringing this matter to resolution so that we can very quickly yet this afternoon move to go to conference with the Senate and appoint conferees, I will suspend my 1-hour speech on behalf of Amtrak and simply express, again, my appreciation to the gentlewoman from Florida (Ms. BROWN) for her evangelization of Amtrak, and to the gentleman from Florida (Mr. MICA) for his thorough discourse on the subject of Amtrak.

Suffice it to say, 52 years ago, I traveled to Europe for a graduate study program, traveled from Minneapolis to Chicago on the Milwaukee 400, 400 miles in 400 minutes. You can't fly there in 400 minutes today. In Europe, I traveled from Paris to Brussels in 6 hours by train. Today, that's an 80-minute trip. If we can close the gap between Minneapolis and Chicago to 80 minutes, from Chicago to Cleveland in 2 hours or so, and New York to Washington, in the vision of the gentleman from Florida, in under 2 hours, then we will have accomplished something truly significant for today, for today's generation, for future generations.

And we will do that when we get to the conference on this bill and we will produce a meaningful and lasting benefit for America.

Mrs. JONES of Ohio. Madam Speaker, restoring passenger rail service to one of the most densely-populated urban corridors in Ohio—Cleveland-Columbus-Cincinnati—is an idea beyond overdue at the station. This corridor is at the heart of a potentially vibrant passenger rail system in Ohio, a fact borne out by a number of studies dating back as far as the 1980's.

Public demand is growing for transportation choices in Ohio. Significant anecdotal evidence around the United States suggests that even basic passenger rail service such as this would draw heavy ridership and grow the demand for more service.

Today, the reality of ever-higher gasoline prices and their impact on the everyday mobility of our fellow Ohioans and on Ohio's economy makes the restoration of rail passenger service in Ohio a critical transportation need.

We are hearing from our constituents increasingly that ''pain at the pump'' leaves them few or only expensive options to travel on business, and to access everything from education to jobs to medical care.

Since January of 2007 alone, the average price of unleaded gas in Cleveland has gone up 72 percent. In some cases, Ohioans are seeing more and more of their incomes going to feed their car and cutting into other life necessities.

A recent study by the Ohio Rail Association discussed the economic impact that high-speed rail would have on Ohio and the surrounding region. Here are just a few of the benefits of high-speed rail in Ohio: A seven corridor high-speed rail system in Ohio would save $9.4 million in fuel per year; there would be approximately 1.1 million annual riders just out of Cleveland alone by 2025; and it would provide 16,700 permanent jobs as well as 6,100 temporary jobs to build the rail system.

I strongly urge my colleagues to vote for the passage of this bill to move Amtrak forward with high-speed rail.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the Senate bill, S. 294, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE PEARL HARBOR NAVAL SHIPYARD

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1139) recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet ''fit to fight''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1139

Whereas Congress established the Pearl Harbor Naval Shipyard on May 13, 1908, and it has grown from a ''coaling and repair station'' to being known as the ''No Ka Oi Shipyard'' and a national treasure that is strategically important to our Nation and equally vital to Hawaii;

Whereas during World War II, shipyard workers earned the motto, ''We keep them fit to fight'', by resurrecting the United States Pacific Fleet from the bottom of Pearl Harbor, helping turn the tide of the war at Midway, and maintaining the ships that would ultimately win victory at sea and sail triumphantly into Tokyo Bay;

Whereas the shipyard has demonstrated its diverse capabilities by supporting America's space exploration, Antarctic expeditions, and national missile defense;

Whereas it continues to support the United States Pacific Fleet as the largest ship repair facility between the western coast of the United States and the Far East, providing full-service maintenance for Pacific Fleet ships and submarines throughout the Asia-Pacific theater;

Whereas the shipyard has become the largest single industrial employer in Hawaii and is the largest fully integrated military-civilian workforce involved in full-service shipyard work in the United States;

Whereas the shipyard has earned multiple national awards for its dedicated environmental stewardship and excellent safety programs, such as the prestigious Occupational Safety and Health Administration's Star award in May 2007; and

Whereas the shipyard has a direct annual economic impact of more that $600,000,000 in Hawaii, and through its apprentice, engineer co-op, and other student hire programs, provides extraordinary training, employment, and career opportunities for residents: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of Pearl Harbor Naval Shipyard and congratulates the men and women who provide exceptional service to our military and keep our Pacific Fleet ''fit to fight''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Madam Speaker, I yield myself such time as I may consume.

I rise today to recognize Pearl Harbor Naval Shipyard on its 100th anniversary. On this important centennial, I would like to commemorate the men and women who have served and continue to serve in the shipyard. In their honor, we have introduced H. Res. 1139.

The Congress established the Pearl Harbor Naval Shipyard on May 13, 1908, and it has grown from a coaling and repair station to being known in Hawaiian as the ''No Ka Oi Shipyard''—''No Ka Oi'' meaning the best—and is a national treasure that is strategically important to our Nation and equally vital to Hawaii.

During World War II, shipyard workers earned the motto, ''We keep them fit to fight,'' by resurrecting the United States Pacific Fleet from the bottom of Pearl Harbor, helping to turn the tide of war at Midway, and maintaining the ships that would ultimately win victory at sea and sail triumphantly into Tokyo Bay.

Throughout the decades, the shipyard has demonstrated its diverse capabilities by supporting America's space exploration, Antarctic expeditions, and national missile defense. It continues to support the United States Pacific Fleet as the largest ship repair facility between the West Coast of the United States and the Far East, providing full-service maintenance for Pacific Fleet ships and submarines throughout the Asia Pacific theater.

The shipyard has become the largest single industrial employer in Hawaii and is the largest fully integrated military-civilian workforce involved in full service shipyard work in the United States. The shipyard has a direct annual economic impact of more than $600 million in Hawaii, and through its apprentice, engineer co-op, and other student hire programs, provides extraordinary training, employment, and career opportunities for residents.

Moreover, the shipyard has earned multiple national awards for its dedicated environmental stewardship and excellent safety programs, such as the prestigious Occupational Safety and Health Administration's Star Award in May of 2007.

I want to recognize the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulate the men and women who provide exceptional service to our military and indeed keep the Pacific Fleet ''fit to fight.''

Madam Speaker, I'm going to reserve the balance of my time at this point.

Mr. WITTMAN of Virginia. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, today I rise in strong support of House Resolution 1139, recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard in Pearl Harbor, Hawaii.

The mission of this outstanding shipyard, ''We keep them fit to fight,'' demonstrates the pride and professionalism of the men and women who serve our Nation in Pearl Harbor. The unified shipyard team is committed to the on-time delivery of the high quality submarine and surface ship maintenance at or below expected costs. The Pearl Harbor shipyard's culture of continuous improvement and extremely high standards for safety, security, and environmental protection are paramount in maintaining the readiness of our fleet and our military's mission. Properly maintaining nuclear-powered submarines and conventionally powered warships is instrumental in enabling our fighting forces to conduct operations in the global war on terror.

Our national defense demands that we have a strong and capable Naval Fleet, and the officers and crews of these fine warships, as well as the men and women of the shipyards, make this possible. Our Nation would not have the world's most technologically advanced combat ships without the talent and dedication of the military-industrial team and the public and private shipyards.

In honoring the Pearl Harbor Naval Shipyard, I note that now, just as 100 years ago, both quality and quantity matter with respect to our Naval Fleet. That is why I voted to increase the funding for the Virginia Class Submarine program to enable the construction of two nuclear-powered submarines per year by fiscal year 2010. It is, again, time for our Nation to have a strategic outlook on the future role of our naval forces, and our Navy should establish a 313-ship fleet, at a minimum, to maintain our maritime dominance and forward presence around the globe.

□ 1630

Moreover, such a fleet is only sustainable if we continue to invest in the people, skills and infrastructure of our public shipyards.

The 100th anniversary of the Pearl Harbor Shipyard is historically significant as the United States Navy continues to set the international standard of excellence. I urge your support in continuing to promote the role of shipbuilding and ship repair and defending our Nation in the 21st century. Maintaining the skills and strength of the industrial base and providing the necessary resources for future construction and repair will enable our country to benefit from the tremendous scientific and military achievements as the ships that have been repaired in Pearl Harbor have for over a century.

So, Madam Speaker, I would like to recognize the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulate the men and women who provide exceptional service to our military, keeping our fleet ''fit to fight'' as they demonstrate honor, courage and commitment on a daily basis.

I call upon all Americans to pause and honor the service and sacrifice of not only those brave Americans who have served in our shipyards, but also those who have served and continue to serve in the defense of our Nation and its values.

I urge my colleagues to support this most worthy resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I want to compliment Mr. WITTMAN and I want to thank him. It is perhaps by coincidence, but a happy coincidence, that the gentleman, of course, is from Virginia. And with Virginia and Hawaii, we represent the east coast and the far west coast, I guess—really west—in Hawaii.

And I want to thank him as well for his excellent statement. Part of the reason being that he has outlined very, very well, I think, one of the most important issues that we face and one that does not always receive the kind of attention that I think it warrants, namely, our shipyards as a resource, and meeting the strategic interests of the United States.

Our shipyards, both public and private, are crucial, vital and necessary not only to the defense of the United States, but to seeing to it that, should

we be called upon to exert military activity anywhere in the world, the backbone, the foundation of any naval presence in any such contingency is dependent on the professionalism, dedication and perseverance of shipyards in this Nation.

He also mentioned, of course, the Virginia Class submarines, the nuclear submarines. And having observed the maintenance facilities in Hawaii at Pearl Harbor Naval Shipyard, I can assure you and Mr. WITTMAN that those Virginia Class submarines will be welcomed there, and that the repair and maintenance will be handled by people at the height of their professional capacity.

The military's counsel there, the Pearl Harbor supervisors—some of whom I believe are in the gallery today observing what we're carrying out today in terms of the resolution—understand that we're going through more than just simply a ritual undertaking. I think that perhaps sometimes these resolutions get put into that category in the sense that it appears sometimes that we're going through the motions. But I'm sure you know, Madam Speaker, that one of the advantages of ritual in our society and among our species is that ritual is the great conservator of value. It is a measurement of our sense of ourselves, where we've been, where we're going, and what we have as the basis for the future.

And so, yes, we're commemorating the 100th anniversary today of Pearl Harbor Naval Shipyard, but in doing so, we remind ourselves of its historic legacy and we remind ourselves as well as to what the future may require of us here in the United States. The Pearl Harbor Naval Shipyard stands ready to do its duty. Yes, Madam Speaker, I can tell you Pearl Harbor Naval Shipyard will see that our naval forces are ''fit to fight.''

Madam Speaker, at this time, I have no further requests for time. I am prepared to close after my colleague has yielded back his time. And I will continue to reserve my time pending that happy occasion.

Mr. WITTMAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

I just wanted to thank the gentleman from Hawaii for his kind words. And I know that this Nation looks forward to having our Virginia Class submarines being maintained ''fit to fight'' there at Pearl Harbor Naval Shipyard. So I truly appreciate that.

Ms. HIRONO. Madam Speaker, I rise in support of H. Res. 1139, a resolution that recognizes the men and women of Pearl Harbor Naval Shipyard for their service to our military on the 100th anniversary of its opening.

Established by the United States Navy in 1908, Pearl Harbor Naval Shipyard has a distinguished history of serving our country. Attacked on December 7, 1941, the workers of Pearl Harbor quickly recovered, returning fifteen of eighteen damaged ships to combat within half a year. On June 1, 1942, an extensively damaged USS *Yorktown* arrived in Pearl Harbor needing repairs that would normally take an estimated four months to complete. Shipyard workers performed these repairs in only 72 hours and returned the *Yorktown* to sea, where it played a decisive role in the Battle of Midway, the pivotal naval battle in the Pacific during World War II.

The Pearl Harbor Naval Shipyard currently serves as the home port for seventeen Los Angeles-class submarines and twelve other naval ships. Workers at this shipyard have repaired ships successfully in every war from World War II to the present and are now preparing for the Navy's Virginia-class submarines that are scheduled to begin arriving in 2009. It is time for us to recognize this longstanding commitment to our country and celebrate the tireless contributions of the men and women of Pearl Harbor Naval Shipyard.

I urge my colleagues to support this measure.

Mr. WITTMAN of Virginia. Madam Speaker, I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and agree to the resolution, H. Res. 1139.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MONEY SERVICE BUSINESS ACT OF 2008

Mrs. MALONEY of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4049) to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Money Service Business Act of 2008''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Check cashers, money transmitters, and other legally authorized and regulated money transmitting businesses (also designated as money services businesses) provide a wide range of necessary financial services and products to customers from all walks of life, including the under-banked and urban communities.

(2) Those services include domestic and international funds transfers, check cashing, money order and traveler's check sales, and electronic bill payments.

(3) Regulatory guidance issued by, and expectations of, the Federal banking agencies and the Secretary of the Treasury urge insured depository institutions to conduct reviews of money services businesses' anti-money laundering compliance programs, placing such depository institutions in the position of quasi-regulators.

(4) Consequently, many insured depository institutions have refused or closed money services businesses' accounts in order either not to incur the burden, risk or potential liability for undertaking a de facto regulatory function, or else to avoid supervisory sanctions for not exercising such oversight.

(5) This trend endangers the existence of legitimate, regulated money services businesses industry and the ability of such businesses to deliver financial services and products.

(6) Loss of depository institution accounts by money services businesses threatens to drive the customer transactions of such businesses underground through unregulated channels, including bulk cash smuggling or other means.

(7) It is critical to the interests of national security that transparency of money services business transactions be maintained by ensuring such businesses have a reasonable process to demonstrate to insured depository institutions the compliance by such businesses with anti-money laundering and counter-terrorism financing obligations.

(8) Money services businesses are subject to Federal money laundering and terrorist financing control programs and reporting requirements as enforced by State and Federal regulators, including the Secretary of the Treasury, which are authorized to conduct compliance oversight and to impose sanctions through licensing, registration or other powers.

(9) These State and Federal regulators have committed to coordinate their supervision and enforcement of such money services businesses obligations.

(10) Insured depository institutions and Federal banking regulators should be able to rely on a regulatory process for conducting oversight of money services businesses' compliance with subchapter II of chapter 53 of title 31, United States Code, as well as on a process of self-certification by legitimate money services businesses that attest to such compliance.

(11) Accordingly, to eliminate regulatory burden imposed on insured depository institutions and promote access by money services businesses to the banking system and to give full recognition to Federal and State agency authority to supervise and enforce money services businesses' compliance with anti-money laundering and counter-terrorism financing obligations and their implementing regulations, it is appropriate and necessary to provide for the self-certification process established pursuant to this Act.

SEC. 3. SELF-CERTIFICATION PROCESS FOR MONEY SERVICES BUSINESSES ESTABLISHED.

(a) IN GENERAL.—Section 5318(h) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

''(4) MONEY TRANSMITTING BUSINESS ACCOUNTS.—

''(A) IN GENERAL.—A federally insured depository institution that maintains an account for a money transmitting business (as defined in section 5330(d)(1)) shall have no obligation to review the compliance of that business, or any agent thereof, with that business's or agent's obligations under this section, if the institution has on file—

''(i) a certification submitted by the money transmitting business that meets the requirements of paragraph (5)(A); or

''(ii) in the case of an agent of a money transmitting business—

''(I) the certification required under paragraph (5)(B); and

''(II) a certification from the business that the named agent is authorized to act as the principal's agent.

''(B) PENALTIES.—

''(i) CIVIL PENALTIES.—A money transmitting business or an agent of any such business making a material misrepresentation in a certification referred to in subparagraph (A) shall be subject to the civil penalties prescribed under section 5321 without regard to whether such violation was willful.

''(ii) CRIMINAL PENALTIES.— A person who knowingly makes a material misrepresentation in a certification referred to in subparagraph (A) shall be subject to penalties prescribed under section 5322 without regard to whether such violation was willful.

''(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as requiring any federally insured depository institution to establish, maintain, administer or manage an account for a money transmitting business or an agent of any such business.

''(D) RELIANCE FOR INSURED DEPOSITORY INSTITUTIONS.—A federally insured depository institution shall have no liability under this chapter for the failure of any money transmitting business or an agent of any such business to comply with any provision of this section and regulations prescribed under any such provision.

''(E) FEDERALLY INSURED DEPOSITORY INSTITUTION DEFINED.—The term 'federally insured depository institution' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) and any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

''(5) PARAGRAPH (4) CERTIFICATION.—

''(A) MONEY TRANSMITTING BUSINESS.—A certification by a money transmitting business meets the requirement of paragraph (4) if the money transmitting business certifies as follows, to the satisfaction of the Secretary:

''(i) The business is in compliance with paragraph (1) and regulations prescribed by the Secretary under such paragraph.

''(ii) The business maintains an anti-money laundering program covering all of the identified capacities through which the business acts as a money transmitting business that includes the components of the program specified in subparagraphs (A) through (D) of paragraph (1).

''(iii) The business is licensed or registered as a money transmitting business by each State—

''(I) within which the business operates as a money transmitting business; and

''(II) which requires such licensing or registration.

''(iv) The business is registered with the Secretary in accordance with section 5330, and regulations prescribed under such section, and remains in full compliance with such section and regulations.

''(B) AGENTS OF A MONEY TRANSMITTING BUSINESS.—A certification by an agent of a money transmitting business meets the requirement of paragraph (4) if the agent certifies as follows, to the satisfaction of the Secretary:

''(i) The agent is an agent of a money transmitting business that meets the requirements of clauses (i) through (iv) of subparagraph (A).

''(ii) If applicable, the agent appears on the list of agents of the money transmitting business maintained by the business pursuant to section 5330(c)(1).

''(iii) The agent—

''(I) operates as an agent for a money transmitting business pursuant to a written contract;

''(II) will act honestly and in compliance with all applicable laws when conducting any business as an agent for a money transmitting business; and

''(III) will immediately notify any federally insured depository institution to which the certification is submitted of the occurrence of any material change in the relationship of the agent with the money transmitting business, including termination or suspension, or the institution of any criminal or administrative proceeding commenced against the agent.

''(iv) The agent is licensed or registered as a money transmitting business, or as an agent of such business, by any State—

''(I) within which the agent operates as an agent of a money transmitting business; and

''(II) which requires any such licensing or registration.

''(v) The agent is not required to be registered with the Secretary as a money transmitting business pursuant to regulations prescribed by the Secretary under section 5330(c)(2).''.

(b) REGULATIONS.—The Secretary of the Treasury shall prescribe such regulations as the Secretary determines to be appropriate to implement the amendments made by subsection (a), in final form, before the end of the 120-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 4049, the Money Service Business Act, is bipartisan legislation that has been cosponsored by the chairman and ranking member of the Financial Services Committee, as well as the ranking member of the Financial Institutions and Consumer Credit Subcommittee, Congresswoman BIGGERT. This bill passed out of the Financial Services Committee on a unanimous vote.

The Money Service Business Act addresses the critical problem of money service businesses, MSBs, being denied access to the banking system. MSBs have experienced blanket terminations of their commercial accounts over the past several years due, in part, to banks responding to unclear guidance from regulators.

This bill establishes a mechanism that would allow MSBs to self-certify their compliance with the Bank Secrecy Act and anti-money laundering requirements, while allowing banks to make risk-based decisions about banking particular MSBs.

MSBs, which include check cashers, money transmitters and money order issuers, have served our Nation's community for years. If this issue is left unaddressed, the viability of MSBs will be compromised, potentially pushing many of these transactions underground and potentially untraceable to law enforcement.

Banks, reacting to regulatory fears, have terminated MSBs accounts in a blanket fashion in an attempt to minimize exposure to ''high risk'' businesses. Without a banking relationship, MSBs are unable to provide financial services to communities, making it difficult for millions of Americans to pay bills, send money, or cash checks.

Federal regulatory agencies, recognizing the problem facing MSBs, have sought to address this issue through agency guidance and regulatory changes, with little effect. This legislation addresses this problem by enabling MSBs to self-certify their compliance with the Bank Secrecy Act and anti-money laundering requirements.

This approach is not novel. It is similar in principle to that used for international correspondent banking. It would not relieve banks of their due diligence responsibilities with regard to their MSB customers, rather, it would permit appropriate reliance on self-certification to relieve banks of being the de facto regulators only of MSBs' Bank Secrecy Act and anti-money laundering compliance.

The mechanics of this self-certification will be handled by regulations set forth by the Secretary of the Treasury, and the certification will be filed with the financial institution where the MSB has a commercial account. To ensure that there is appropriate access to these self-certifications, it has been requested that the Secretary of the Treasury, while promulgating the regulations to implement this legislation, should require a duplicate copy of the self-certification to be filed with the Financial Crimes Enforcement Network, FinCEN, and that the Department of Justice have access to these files. I am fully in support of this suggestion and believe it will allow for even greater transparency in the self-certification process.

I do want to mention that even with the implementation of the self-certification, MSBs would continue to be responsible for complying with all other existing provisions of the Bank Secrecy Act and will continue to be the subject of rigorous on-site examinations by IRS examiners.

MSBs are also State regulated in many jurisdictions. Currently, 28 States and the District of Columbia require MSBs to be licensed and/or regulated by State banking agencies. Both MSBs and the financial institutions banking them will still be required to fully comply with all other aspects of the Bank Secrecy Act, including the filing of Suspicious Activity Reports and Currency Transaction Reports. Any violation of their certification would render the same civil and criminal penalties provided for by the Bank Secrecy Act and the anti-money laundering provisions.

This is a well-crafted bill that allows law enforcement to continue to track the transactions of money service businesses while allowing the MSBs to have access to the banking accounts they need to conduct business.

Finally, I would like to thank Chairman FRANK, Ranking Member BACHUS,

and Financial Institution Subcommittee Ranking Member BIGGERT for their cosponsorship and support in bringing this important bill to the floor today.

I urge my colleagues to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 4049, the Money Service Business Act of 2007, and ask for its immediate passage. We do need to pass this legislation.

Madam Speaker, this legislation is important and long overdue. Despite expressions of concern by Members of this Congress asking both regulators and financial institutions to ensure fair treatment of money service businesses, or what we refer to as MSBs, financial institutions continue to be uncomfortable offering accounts to MSBs, and, in fact, most banks have discontinued offering such accounts, which is the issue.

Madam Speaker, the banks have good reason to be concerned. MSBs provide a valuable service to consumers, and in some instances are the only financial service providers available to them. But the regulatory regime that ensures that MSBs comply with all applicable laws to prevent the laundering of money or the financing of terror is muddled, to say the least.

After a series of regulatory actions in which banks were fined millions of dollars in connection with the accounts they offered MSBs, most banks felt they had to make a choice, either do their own on-site investigation of an MSB's anti-money laundering program, or live with the liability of not knowing how good or bad that particular program is.

Madam Speaker, banks are not regulators. And we should not expect them to act like regulators for a different industry. No one disagrees that banks and the MSBs should comply with all applicable anti-money laundering guidance; nonetheless, terminating account services to an entire industry could end up forcing its customers into the underground financial service. That in itself creates a significant money laundering risk.

The measure before us, drafted with a great deal of bipartisan cooperation by the gentlelady from New York (Mrs. MALONEY), one of the stars of this institution, and the gentleman from Alabama (Mr. BACHUS), would set up a system in which the Treasury Secretary posts a set of guidelines MSBs would need to meet to satisfy anti-money laundering requirements. When they comply, MSBs would self-certify their compliance to their bank.

This self-certification function is balanced by strict penalties for those MSBs that misrepresent their compliance, and in no way would excuse banks from reporting any suspicious activity under the laws and regulations of the Bank Secrecy Act. But it would relieve banks of the requirement to be the de facto regulator of MSBs, which is not the bank's job or obligation.

In reviewing this bill, the Department of Justice has raised a good point that I would like to emphasize. The bill requires the MSBs to certify, to the satisfaction of the Treasury Secretary, that they are in good compliance, but only requires them to file their certification with their banks. Madam Speaker, I think that among the regulations the Treasury Secretary posts to ensure compliance, the Secretary should require the MSBs to file a duplicate form with the Financial Crimes Enforcement Network at Treasury where it would be studied for compliance and would be available for the DOJ to view as well.

□ 1645

Madam Speaker, while we are on this subject, I would like to make an additional point. Regulation of MSBs is a complex and not very effective patchwork of effort between the States and the Federal Government. While some States do a terrific job, some really don't. In the future I hope Congress can work to find a good solution to make thorough, uniform, and effective regulation of MSBs a reality. I know they would appreciate it. In the meantime, let's let the banks get back to providing accounts and doing what they do best.

Madam Speaker, this legislation is supported by both the MSBs and the banking industry and would benefit those who work hard and have limited resources. I urge my colleagues to agree to this commonsense solution to the bank discontinuance dilemma.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4049, the Money Service Business Act. This Act eliminates the regulatory burdens imposed on insured depository institutions and money services business and enhances the availability of transaction accounts at depository institutions for such businesses, and for other purposes. I support this bill and I encourage my colleagues to do likewise.

Check cashers, money transmitters, and other legally authorized and regulated money transmitting businesses (also designated as money services businesses) provide a wide range of necessary financial services and products to customers from all walks of life, including the under-banked and urban communities. Those services include domestic and international funds transfers, check cashing, money order and traveler's checks sales, and electronic bill payments.

Regulatory guidance issued by, and expectations of, the Federal banking agencies and the Secretary of Treasury urge insured depository institutions to conduct reviews of money services businesses' anti-money laundering compliance programs, placing such depository institutions in the position of quasi-regulators. Consequently, many insured depository institutions have refused or closed money services businesses' accounts in order either not to incur the burden, risk or potential liability for undertaking a de facto regulatory function, or else to avoid supervisory sanctions for not exercising such oversight. This trend endangers the existence of legitimate, regulated money services businesses industry and the ability of such businesses to deliver financial services and products. Loss of depository institutions accounts by money services businesses threatens to drive the customer transactions of such businesses underground through unregulated channels, including bulk cash smuggling or other means.

It is critical to the interests of national security that transparency of money services business transactions be maintained by ensuring such businesses have a reasonable process to demonstrate to insured depository institutions the compliance by such businesses with anti-money laundering and counter-terrorism financing obligations. Money services businesses are subject to Federal money laundering and terrorist financing control programs and reporting requirements as enforced by State and Federal regulators. These entities are authorized to conduct compliance oversight and to impose sanctions through licensing, registration or other powers.

These State and Federal regulators have committed to coordinate their supervision and enforcement of such money services business obligations.

Insured depository institutions and Federal banking regulators should be able to rely upon a regulatory process for conducting oversight of money services businesses' compliance. Accordingly, to eliminate regulatory burden imposed upon insured depository institutions and promote access by money services businesses to the banking system and to give full recognition to Federal and State agency authority to supervise and enforce money services businesses' compliance with anti-money laundering and counter-terrorism financing obligations and their implementing regulations, it is appropriate and necessary to provide for self-certification process established pursuant to this Act.

I support this Act and encourage my colleagues to support it also.

Mr. SHAYS. Madam Speaker, I yield back the balance of my time and will yell a hearty ''yea'' when asked for those who support this bill.

Mrs. MALONEY of New York. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4049, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE SIGNIFICANCE OF NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 364) Recognizing the Significance of National Caribbean-American Heritage Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 364

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds;

Whereas the independence movements in many countries in the Caribbean region during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas there have been many influential Caribbean-Americans in the history of the United States, including Jean Baptiste Point du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President; and Celia Cruz, the world-renowned queen of Salsa music;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, a meteorologist and television personality;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States;

Whereas Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas in both June 2006 and June 2007, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H. Con. Res. 364, a resolution that recognizes the significance of National Caribbean-American Heritage Month.

H. Con. Resolution 364, which has cosponsorship of 59 of our colleagues, was introduced by Representative BARBARA LEE of California on May 22, 2008. It was considered by and reported from the Oversight Committee on July 16, 2008, by voice vote.

Throughout the history of the United States, persons of Caribbean descent have made significant contributions in the shaping of America's culture and character. Caribbean-Americans have become one of our greatest leaders, entrepreneurs, and entertainers, including such individuals as Sidney Poitier, Harry Belafonte, Colin Powell, James Weldon Johnson, Shirley Chisholm, Marion Jones, Juan Carlos Finlay, Oscar de la Renta, Malcolm X, Marcus Garvey, and many others.

I would like to thank Representative LEE for introducing this resolution. It provides us with an important opportunity to recognize and celebrate the contributions of Caribbean-Americans to the history, progress, and heritage of the United States. It is essential that we in the House support our fellow Americans and agree to the resolution, H. Con. Res. 364, recognizing the significance of National Caribbean American Heritage Month.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution recognizing the significance of National Caribbean-American Heritage Month.

Since 2006 each June our Nation has celebrated the influence and contributions of Caribbean-Americans, and we pay tribute to the bonds of friendship that unite us to our third border to the east: the Caribbean nations. A captivating mosaic of racial, cultural, and religious backgrounds, Caribbean-Americans come from a heritage sharing many historical and economic ties to our great Nation. Enduring the yoke of colonialism, the trials of slavery, and ultimate freedom of independence, Caribbean nations mirror our vision of regional and global peace and prosperity.

Since first arriving in America in 1619, generations of Caribbean immigrants have enriched our Nation, weaving their vibrant culture, music, and rich traditions into our national fabric. Their talent, faith, and values helped shape the history of our country.

From Founding Father Alexander Hamilton to baseball legends such as Roberto Clemente and musical talents such as Bob Marley and Toots and the Maytals, they have strengthened the United States heritage. Their music enriches our ears and unique flavors warm our pallets. Their art and traditions enrich our souls.

I urge my colleagues to support this resolution in honor of the contributions of the past, the enduring vibrance of the more than 5 million Americans that share a Caribbean heritage and the historical bonds that unite our nations.

Madam Speaker, I reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I now yield 5 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. First, let me thank the gentleman from New York (Mr. HIGGINS) for yielding, for managing the floor this afternoon on this resolution, and also for your leadership and for your support.

Madam Speaker, I rise today in support of my resolution, H. Con. Res. 364, recognizing June as National Caribbean-American Heritage Month. This resolution acknowledges the important contributions which Caribbean-Americans have made to our Nation's history.

Let me begin by thanking Chairman WAXMAN of the Oversight and Government Reform Committee and Ranking Member TOM DAVIS for helping to bring this bipartisan resolution to the floor today. I also want to thank Congressman DANNY DAVIS for his tremendous leadership on the subcommittee and for his support of this bill. I would like to also recognize all of our colleagues, and there are so many of our colleagues here on both sides of the aisle, who have worked on issues related to the

Caribbean for many, many years. I would like to acknowledge the Institute for Caribbean Studies and all other Caribbean-American organizations that worked to make Caribbean-American Heritage Month a great success.

As a long-time supporter of the Caribbean and a frequent visitor to the region, I was very proud to see us celebrate this important commemorative month for the 3rd year this year. Since the resolution's initial passage by Congress in 2006, the President has issued a proclamation recognizing Caribbean-American Heritage Month in June, 2006, 2007, and 2008.

People of Caribbean heritage reside in every part of our country. Since 1820, millions of people have emigrated from the Caribbean region to the United States. Throughout United States history, we have been fortunate to benefit from countless individuals of Caribbean descent who have contributed to American government, politics, business, arts, education, and culture, including one of my personal sheroes, the Honorable, our beloved, the late Congresswoman Shirley Chisholm.

Shirley Chisholm was a woman of Bajan and Guyanese descent who never forgot her roots in the Caribbean. She was the first African American woman elected to Congress and the first woman and first African American to run for President. My political involvement actually began as a volunteer during her historic presidential campaign in 1972. Through her mentorship, she strengthened my interest in addressing issues of importance to the African Diaspora both here in the United States and abroad, including the Caribbean and in Africa.

In addition to Shirley Chisholm, during Caribbean-American Heritage Month, we also recognize people like Alexander Hamilton, Hazel Scott, Sidney Poitier, Wyclef Jean, Eric Holder, Colin Powell, Harry Belafonte, Celia Cruz; and, of course, our colleagues, daughters of the Caribbean, Congresswoman DONNA CHRISTENSEN, Congresswoman SHEILA JACKSON-LEE, Congresswoman YVETTE CLARKE, and many others who helped shape this country and continue to work on each and every issue related to the U.S.-Caribbean affairs. These colleagues of ours, they are making a remarkable mark on the leadership which they bring to every issue as it relates to not only our domestic policy but our foreign policy. So they should be recognized and honored each and every day as well as during June of every year.

Caribbean-American Heritage Month also provided an opportunity for us to strengthen our long-term partnership with CARICOM through greater dialogue and engagement. From disaster preparedness, education, and the campaign against HIV/AIDS and other health disparities, trade and aid and development, we share a number of mutual policy interests with our Caribbean neighbors.

For example, last month we were able to address these important issues relating to the Caribbean through the Institute for Caribbean Studies' Caribbean-American Legislative Forum held right here on Capitol Hill. And I have to take a moment to thank a member of my staff, Nicole King, a daughter of St. Lucia, for her very effective staff work on this resolution and many of our legislative efforts related to the Caribbean.

In addition, the Caribbean People International Collective, Inc. held a roundtable discussion on health in the immigrant community. This event promoted the goals and ideals of National Caribbean-American HIV/AIDS Awareness Day.

Most recently, this year's global rise in food costs keenly affected the people of the Caribbean, particularly our friends in Haiti. The crisis highlighted the need for reengagement and opened the door for innovative policy solutions. Under the extraordinary leadership of the Chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK, Members of Congress visited Haiti to come back with recommendations to address the emerging food crisis in Haiti, and it is a crisis. Last month CARICOM heads of state held their New York Conference on the Caribbean—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HIGGINS. Madam Speaker, I yield 1 additional minute to the gentlewoman.

Ms. LEE. As I was saying, Madam Speaker, CARICOM heads of state held their New York Conference on the Caribbean under the theme ''A 20/20 Vision,'' where they met with regional policymakers, the academic community, private sectors, and financial institutions, as well as members of the Caribbean Diaspora, to better integrate policy interests between the United States and the Caribbean.

H. Con. Res. 364 promotes the importance of recognizing that our policies in the Caribbean affect us here in the United States. Caribbean-American Heritage Month reminded us of the large and diverse constituencies of Caribbean-Americans in our Nation and provided an opportunity to send a message of goodwill to the Caribbean community both here and abroad. This month also provided an opportunity to celebrate and share in the rich history and culture of our Caribbean neighbors through showcases of Caribbean art festivals, concerts, and film. As an example, in my own district in Oakland, the Caribbean-American Association of Northern California celebrated the rich cultural heritage of the Caribbean through a musical concert and family day picnic.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HIGGINS. Madam Speaker, I yield an additional 30 seconds to the gentlewoman.

Ms. LEE. Thank you for yielding.

Madam Speaker, I just want to conclude by recognizing once again activities in my district, the Second Annual Caribbean-American Heritage Legacy Award honoring the contribution of Caribbean-Americans. And here, of course, in Washington, D.C., the Caribbean Carnival hosted their annual carnival parade that drew more than 300,000 participants.

So just as we commemorate the achievements of the many diverse communities in our Nation, the United States Government should encourage all people to celebrate the rich history and diversity of Caribbean-Americans.

Thank you again for yielding the time, for your leadership, and for supporting this bill.

□ 1700

Mr. DAVIS of Virginia. I yield back the balance of my time.

Mr. HIGGINS. Madam Speaker, I would now yield 2 minutes to the gentlewoman from New York, YVETTE CLARKE.

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

Ms. CLARKE. First, I would like to thank Congresswoman BARBARA LEE, the lead sponsor on this legislation, for her ongoing commitment and diligence in championing such an important resolution. She has served as a true advocate for national recognition of Caribbean people and their descendants in the United States. I also want to thank Congressman HIGGINS for his leadership and his support and management of this resolution to the floor today.

As a second generation Caribbean American, American by birth, Caribbean by parentage, specifically Jamaican, I am proud to be a cosponsor of H. Con. Res. 364. National Caribbean Heritage Month is for the millions of Caribbean people and their American descendants, an affirmation and much deserved recognition of their role and contribution to the growth and development of our Nation, as well as the region within this hemisphere from which these Americans, like myself, have come.

Caribbean American Heritage Month was created to herald the unique historic relationship between the people of the Caribbean region and the United States and the many great contributions they have made to our country. For centuries now, Caribbean Americans have fortified this great Nation. Alexander Hamilton, born 1755 in the Caribbean island nation of St. Kitts and Nevis, was the first Caribbean American from New York to serve in this body, then known as the Continental Congress. He has held numerous cabinet positions, including Secretary of State. Another influential New Yorker of Caribbean ancestry, Colin Powell, also held the position of Secretary of State in more recent times.

As it relates to my district, I must mention the late, great Caribbean American of Barbadian and Guyanese

ancestry, Congresswoman Shirley Chisholm, who worked in the Congress from 1969 to 1983 and was the first black woman to run for President of our Nation. Ms. Chisholm paved the way for me to serve in this body, second in the line of succession in the same constituency that she once served.

The SPEAKER pro tempore. The time of the gentlewoman from New York has expired.

Mr. HIGGINS. I yield the gentlewoman 1 additional minute.

Ms. CLARKE. As a Caribbean American woman and a Member of Congress, it's my hope that we can continue to improve our diplomatic and economic relationships and arrangements with many of our neighbors in the Caribbean region, such as Haiti, the Netherlands Antilles, Trinidad and Tobago, Barbados, Jamaica and other Caribbean nations.

The Caribbean communities, known as CARICOM, have worked with their citizen ambassadors in the American Caribbean diaspora to develop a diversified economy that is favorable to foreign direct investment from the United States and human resource and intellectual capital from the region. As such, the Caribbean nations have cooperated on tax enforcement matters, transparency and exchange for information with the United States.

These Caribbean nations are also strategic partners and assist the United States' counter transnational terrorism activities, crime and illegal narcotics importation. These contributions and importance of the Caribbean region to the United States is reflected in the millions of people who contribute to acknowledge the pride heritage of the region by way of the Caribbean Carnival styled parades and festivities that occur across this Nation.

Mr. HIGGINS. Madam Speaker, I would now yield 2 minutes to the gentleman from Illinois, Mr. DANNY DAVIS.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise in strong support of this resolution. And I want to commend my colleague, Representative BARBARA LEE, for its introduction. I also want to commend the Caribbean community, not only in my city of Chicago, which has a large population—as a matter of fact, we just finished celebrating the Festival of the Arts, which is a large celebration recognized by many people throughout the Midwest as a place to be—but we've heard accolades extended to individuals who have been great states persons, individuals who have been businesspeople and academicians. Every kind of person that you can think of has some heritage from the Caribbean.

And I think that we don't have to look far when we think of our own colleagues that we interact with every day. And so I commend them for being a part of the American population, but of the African-Caribbean diaspora. And I commend again Representative BARBARA LEE.

Mrs. CHRISTENSEN. I rise in strong support of H. Con. Res. 364, which recognizes the significance of National Caribbean-American Heritage Month. I am proud to have joined my friend, Congresswoman BARBARA LEE in sponsoring this resolution once again.

Madam Speaker the term ''Heritage'' is the amalgamation of things that make us who we are and where we are, as individuals, the people we are and, in this case, the nation we are.

During ''Caribbean American Heritage Month,'' we celebrate the great contributions of Caribbean Americans to the framework of the United States of America. This celebration should mark an accolade to the common culture and liaison that create the unity between the United States and the Caribbean.

The ''Caribbean American Heritage Month'' marks our appreciation for the many ways in which Caribbean Americans have contributed to our great Nation. We may look as far back as the period of 1900 to 1920 which marked the initiation of mass labor migration from the Caribbean to the United States and the formation of the first large Caribbean communities in the United States.

Let us not forget World War I when the recruitment of labor from the Caribbean became imperative. These laborers atoned for the reduced number of the European immigrants to the United States. More than 100,000 Caribbean laborers were recruited for agricultural and tedious jobs as part of war labors. Some of them were men and women who fought for our country upon being granted citizenship. We should acknowledge the Caribbean American men and women who served our country and those who continue to serve this nation today.

When we look at the history of the Caribbean Americans, we see the enormity of their contribution to our Nation. Likewise, we see the similarity in the senses that just like America; the countries of the Caribbean faced slavery and were colonized. We now have millions of people who have emigrated from the Caribbean to the United States.

We should acknowledge the enrichment that they have contributed to the United States. The uniqueness in their culture has helped in diversifying and shaping America; thus, pulsating our States, cities and towns. The countries of the Caribbean have also played a role in the economic growth of the United States.

As a daughter of the Caribbean myself, I also honor the contributions of Virgin Islanders such as D. Hamilton Jackson, a famous laborer; Alexander Hamilton, one of our Nation's Founding Fathers and raised on the island of St. Croix; and Frank Rudolph Crosswaith, who created the Trade Union Committee for Organizing Negro Workers, the Negro Labor Committee and became a founding member of the anti-Communist Union for Democratic Action.

These and several other factors should be reflected during the Caribbean American Heritage Month. Let us honor, value and show gratitude to those who contribute in making us the nation that we are.

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank Congresswoman BARBARA LEE for bringing recognition to a group often forgotten in this racial and ethnic melting pot known as America.

This legislation does more than recognize Caribbean-Americans or as many are called West Indians, it recognizes and celebrates diversity. Unfortunately, this country has not always celebrated its diverse roots. It has faltered at times in remembering that the differences can be celebrated as much as those things in which we share—like humanity, like faith in a higher power, like democracy.

Even now as I stand and address the House floor, I am reminded that we have yet to pass comprehensive immigration reform. We still watch the television and see commercials using words like illegal and alien, with people that are from our southern borders of Mexico or our coastal south like Haiti or Cuba. Sadly, these commercials prey on the fears of an America in an economic crisis. These commercials speak to fear of other cultures, other religions, and other ways of doing business.

What they do not show is the thousands upon thousands of new immigrants who make their home here and work from sun up to sun down to build a better tomorrow for their families. What the commercials do not speak to is the thousands of immigrants who come from our northern borders or from Europe. More importantly, these commercials do not speak to the foundation of one land made up of many.

This resolution reminds us that although many in this country were born elsewhere or have parents who were born elsewhere they are very much Americans.

Thank you, Congresswoman LEE, for reminding us to celebrate our diverse population by celebrating Caribbean-Americans. Each Caribbean country has shared her native children with these United States. From the classic actor and activist Sidney Poitier to the former Army general and Secretary of State Colin Powell, from the charismatic Celia Cruz to the hard-rocker Lenny Kravitz, and so many more—Caribbean-Americans honor both their past and their present.

Many of the Members on this very bill have parents or grandparents from the West Indies. Thank you for celebrating them and for celebrating what makes America beautiful—her diverse people.

Madam Speaker, I want to thank all of those who strive to see an America made up of a diverse group of people. Many of them have given up not only their country of birth but their loved ones, to cross into an unknown land to build a dream. Let their love for America not be doubted because they also celebrate their native Jamaica or Bahamas or Dominican Republic or Trinidad—let it be a lesson that you can love your past, while you celebrate your future. I urge my colleagues to support a resolution that is about the celebration of diversity.

Mr. HIGGINS. Madam Speaker, we have no further speakers, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 364.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR NATIONAL GEAR UP DAY

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1311) expressing support for the designation of National GEAR UP Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1311

Whereas Congress created the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in 1998 to increase the number of low-income students who are prepared to enter and succeed in postsecondary education;

Whereas increasing the number of low-income students who complete postsecondary education is critical to the health and vitality of our communities and the Nation as a whole;

Whereas GEAR UP is currently providing essential college preparatory services to 640,000 students in over 5,000 schools across 46 States, the District of Columbia, America Samoa, Palau, and Puerto Rico;

Whereas GEAR UP students are taking more rigorous and advanced courses, graduating from high school and enrolling in postsecondary education at rates significantly higher than their low-income peers;

Whereas these remarkable achievements are attributable to the selfless dedication of the students, families, education professionals, and business and community leaders involved in GEAR UP;

Whereas the National Council for Community and Education Partnerships and the Department of Education work in partnership to provide technical assistance and host national conferences to strengthen GEAR UP programs throughout the Nation; and

Whereas July 22, 2008, would be an appropriate day to designate as National GEAR UP Day: Now, therefore, be it

Resolved, That the House of Representatives expresses support for the designation of a National GEAR UP Day.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, at this time, I would yield 3 minutes to the sponsor of the bill, CHAKA FATTAH, the gentleman from Pennsylvania.

Mr. FATTAH. I thank the gentleman for yielding.

Let me thank my colleague, DANNY DAVIS, for helping to move this bill to the floor out of committee. And I also want to thank all 74 of the additional cosponsors, and this is bipartisan cosponsorship, as this program, GEAR UP, has always enjoyed bipartisan support. I want to thank MARK SOUDER and TOM COLE. And I also want to acknowledge the great staff work that has been done by William Miles and also the In Step organization which is the major national organization working with GEAR UP. And we will be hosting them here on the Hill.

This acknowledges the great success of this program, over $2.7 billion Federal investment over the last 10 years. We are in the 10-year anniversary. We see graduation rates from high school, for the largest early college awareness program in our country's history, off the charts. Some 85 percent of GEAR UP students graduated from high school, a full 20-plus points ahead of where low-income students unfortunately now graduate from high school. We see this in hundreds and hundreds of programs across our country. In rural and urban areas, on Native American reservations and State programs and in partnership programs, GEAR UP has been a tremendous success, something that in a bipartisan way this Congress can take great pride in.

And as the architect of the original legislation, I'm very proud to come and ask the Congress to support this resolution, naming this National GEAR UP Day. I spoke to the almost 2,000 attendees at the national bureau conference yesterday. I had my wife and my two young daughters, Cameron and Chandler, with me. It was a great occasion to see and meet people from 48 States with, now, GEAR UP programs. And many of our territories also are represented, from Guam and Puerto Rico.

It is a tremendous success to see the college-going rate among this population of GEAR UP students, now over 2 million young people being served at 60-plus percent, 64 percent of them going on to college.

I do want to acknowledge the great work of my colleague from southwest Texas, RUBEN HINOJOSA, who has led and chairs the subcommittee on Higher Education.

Mr. DAVIS of Virginia. Madam Speaker, I rise today in support of this resolution designating today, July 22, 2008, as National GEAR UP Day. Signed into law in 1998, Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP, is a program to help increase the number of low-income students who are prepared to enter and succeed in postsecondary education.

GEAR UP provides 6-year matching grants to States and partnerships to offer services at high-poverty middle and high schools. Grantees serve an entire range of students from seventh grade through graduation from high school.

Thanks to the passion and dedication of students, families, educators and local communities, GEAR UP has touched the lives of more than 2 million young people from underserved backgrounds. At present, GEAR UP provides college preparatory services to 640,000 students in over 5,000 schools across 46 States, the District of Columbia, and territories abroad. From California to New York, Puerto Rico to American Samoa, GEAR UP students are taking more rigorous courses, graduating from high school and enrolling in postsecondary education at rates that are significantly higher than their low-income peers.

Through these grants and scholarships, underprivileged students are being introduced to a wealth of opportunities otherwise not afforded them. Their experience and educational success serves as a model to their peers and is vital to the health of our communities.

My kids attended a school, the Glasgow Intermediate School in Alexandria in Fairfax County, where we saw literally dozens of students each year sign up for GEAR UP and improve their academic ratings and potential and go on to college later on as a result of this program. It has made a difference. And I urge my colleagues to support this resolution in an effort to elevate our Nation's awareness of this important program.

It's as true now as ever that children are our future. And this program provides a significant and valuable step toward providing quality educational opportunities to our underprivileged youth.

I reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I would now yield 3 minutes to the gentleman from Texas, Representative HINOJOSA.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of H.R. 1311, a resolution to express support for the designation of a National GEAR UP Day.

I would like to commend the authors of this resolution, my good friend from Philadelphia, Representative CHAKA FATTAH, and my colleague on the Education and Labor Committee, Representative MARK SOUDER of Indiana. They're tremendous advocates for making the promise of GEAR UP a reality for all of our youth.

GEAR UP addresses the key factors necessary to successfully navigate the college process: The aspiration to go to college, the academic preparation, understanding the admissions and financial aid processes, and having the financial resources to pay for college. GEAR UP mobilizes the community to address these factors by using Federal resources to leverage State, local and private sector resources.

GEAR UP offers a simple but very powerful bargain. It tells students and families that if you stay in school and take the challenging classes, our community will guarantee that you have the financial aid and support you need to go to college.

We have seen the power of this new bargain in south Texas. With our first generation of GEAR UP partnerships, we have seen high school graduation rates and college preparedness soar. We have seen unprecedented growth in our college enrollment.

We are fortunate to have a second generation of GEAR UP programs in south Texas. Between the Region One Education Service Center and the University of Texas Pan American GEAR UP project, we will reach over 17,000 students and their families, over 95 percent Hispanic, nearly all economically disadvantaged and the first generation to go to college. Through GEAR UP, these students and families not only know that college is possible, but they also will know how to make it a reality, forever changing the aspirations and expectations of our entire region.

□ 1715

Today I had the tremendous honor of hosting a GEAR UP delegation of more than 100 parents, students and staff from Region 1 and the University of Texas Pan American. I would like to congratulate them for representing our area so well at the national GEAR UP gathering going on here in Washington.

I shared with them the CHAKA FATTAH story and how he introduced it and how I heard the story and told him I am committed, passionate about education, and I think this is the best thing that has come out since sliced bread, I told CHAKA, and I worked hard to get the numbers we needed to pass this.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HIGGINS. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I say that CHAKA FATTAH is absolutely to be known here in Washington and in Congress for the great work he did in making GEAR UP the success story that it is.

I urge my colleagues to support this resolution; and more importantly, to support the expansion of the GEAR UP program in their districts and across the Nation.

Mr. DAVIS of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I rise in strong support of H. Res. 1311, and I want to commend my colleague from Pennsylvania, Representative CHAKA FATTAH, for his introduction of this legislation, and I also want to commend my colleague on the Education Committee and the chairman of the Higher Education Subcommittee, the gentleman from Texas (Mr. HINOJOSA).

I have spent, Madam Speaker, practically all of my life engaged with low-income communities, low-income people, low-income students. And I can tell you that I can't think of any legislative enactment that has done more to assist low-income students to experience this commodity that we call higher education.

And so Representative FATTAH, I don't know if you will ever pass another piece of legislation as good as this one. I don't know how much longer you will stay in Congress, but I can tell you one thing, if you never pass another one, you did this one and it is one of the best, one of the most effective, one of the greatest that I have seen, and so I commend you for it.

I commend again the chairperson of our committee in Education, Representative HINOJOSA. And, Madam Speaker, I think it is a great day because there is a group of people sitting in my office right now who are GEAR UP representatives, and I told them that I was going to have to leave them to come here, but I commend them for all of the great work that they continue to do.

Mr. DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

Mr. HIGGINS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to stand in consideration and support of H. Res. 1311 which expresses the sense of the House that today, July 22, ought to be designated as National GEAR UP Day.

The Federal education program GEAR UP, which stands for Gaining Early Awareness and Readiness for Undergraduate Programs, is designed to foster partnerships amongst schools, school districts, business entities, and colleges and universities in order to improve public education and to increase low-income students' access to post-secondary education.

The author of the original legislation that created GEAR UP nearly 10 years ago, Congressman CHAKA FATTAH, serves as a sponsor of H. Res. 1311 and is joined by his colleagues, Representatives HINOJOSA, SOUDER, DANNY DAVIS, and 70 other Members of this body, Members who recognize the difference that attaining a quality education in a college or technical degree can make in a person's life.

H. Res. 1311 was introduced on June 26, 2008, and was considered by the Committee on Oversight and Government Reform on July 16 where it was approved favorably by voice vote.

Madam Speaker, the sole purpose of GEAR UP is to encourage millions of young Americans to succeed in middle and secondary school, to study hard and to make right choices to be prepared for college, and ultimately degree completion. Unlike any other Federal program, GEAR UP, through its partnerships, State projects and the thousands of practitioners that carry out its mission, has provided direct services to millions of aspiring students throughout every corner of our country. From tutorial services right here in our Nation's capital to precollege workshops and career fairs held at Buffalo State College in my home State of New York, GEAR UP is telling children that despite your circumstances you too can start early, set high expectations and be prepared to pursue and succeed in post-secondary education.

From the GEAR UP American Samoa Community College program to the dozens of University of California GEAR UP sites, this program is shaping and developing a whole new generation of leaders and scholars.

For this reason, I stand to join my colleagues, the thousands of GEAR UP professionals here with us today on the Hill, and the National Council for Community and Education Partnerships in support of designating July 22 as National GEAR UP Day. In celebration of the program's 10 years of success, I urge my colleagues to vote in support of H. Res. 1311.

Mr. SOUDER. Madam Speaker, I wish to speak in support of this resolution.

Ten years ago, Mr. Speaker, I worked with Congressman FATTAH to author GEAR-UP, and it has been a delight to continue to work with him throughout my congressional career to support this important initiative. For example, as part of the ongoing higher education reauthorization, we were recently able to improve the program to encourage more funding for college scholarships. So I was very pleased to be able to introduce this bipartisan resolution with the Congressman expressing support for the designation of a National GEAR UP Day.

Over the past ten years, GEAR UP has sent countless disadvantaged students to college, including many participants in Indiana's 21st Century Scholars program. It is fitting now to look back and appreciate all the success we have seen. According to the U.S. Department of Education, for example, more than 85 percent of the second class of GEAR UP students graduated from high school in 2006, a rate 20 percent higher than other low-income students and more than 10 percent above the total average for all students.

Madam Speaker, as we mark GEAR UP's 10-year anniversary, it is also fitting to discuss the many challenges that still face lower-income students attempting to finish college. These challenges are many and varied, but there is certainly more that the Federal Government can do. GEAR UP is an excellent example of the type of program that can make a real difference in kids' lives, but it is also a reminder that tough work lies ahead. I look forward to working with Congressman FATTAH and other members on both sides of the aisle to find more solutions to the problems facing these communities.

Madam Speaker, I congratulate GEAR UP for a very successful first decade, and wish it even more success in the years ahead. Once again, I strongly support this resolution and ask that my colleagues support it as well.

Mr. HIGGINS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1311.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FATTAH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL GUARD YOUTH CHALLENGE DAY

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1202) supporting the goals and ideals of a National Guard Youth Challenge Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1202

Whereas many of America's youth who drop out of high school need avenues, guidance, and encouragement toward self-sufficiency and success;

Whereas 1,200,000 students drop out of high school each year, costing the Nation more than $309,000,000,000 in lost wages, revenues, and productivity over students' lifetimes;

Whereas 33,000,000 Americans ages 16 to 24 do not have a high school degree;

Whereas high school dropouts can expect to earn about $19,000 per year compared to $28,000 for high school graduates;

Whereas nearly 30 percent are unemployed and 24 percent are on welfare;

Whereas approximately 67 percent of Americans in prison are high school dropouts;

Whereas the goal of the National Guard Youth Challenge Foundation, a nonprofit 501(c)(3) organization, is to improve the education, life skills, and employment potential of America's high school dropouts though public awareness, scholarships, higher education assistance, mentoring, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent, development of leadership qualities, promotion of citizenship, fellowship, service to community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between Federal and State governments;

Whereas since 1993, the National Guard Youth Challenge Program has grown to 35 sites in 28 States, Puerto Rico, and the District of Columbia;

Whereas since 1993, over 77,100 students have successfully graduated from the program, of whom 80 percent earned their high school diploma or GED, 26 percent entered college, 18 percent entered the military, and 56 percent joined the workforce in career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped our Nation's dropouts; and

Whereas the National Guard Youth Challenge Program can play a larger role in serving and helping America's youth: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of a National Guard Youth Challenge Day; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I rise to join my colleagues in consideration of H. Res. 1202 which supports the goals and ideals of National Guard Youth Challenge Day.

H. Res. 1202 was introduced by our colleague and ranking member, the gentleman from Virginia (Mr. DAVIS) on May 15, 2008. This resolution was considered by and reported from the Committee on Oversight and Government Reform on July 16, 2008, by voice vote and has the support and cosponsorship of 62 Members of Congress.

In America today, we are facing an epidemic of young men and women dropping out of high school. Even with programs like GEAR UP, each year we continue to see that nearly a million and a quarter students fail to graduate from high school, and that there are approximately 33 million Americans between the ages of 16 and 24 who have not earned their high school degree.

These facts help to highlight the importance of recognizing the efforts and achievements of the National Guard Youth Challenge Program. The National Guard Youth Challenge Program strives to improve the education, life skills, and employment potential of America's high school dropouts through public awareness, scholarships, higher education assistance, mentoring, and job development programs. The program can be found in 28 States as well as Puerto Rico and the District of Columbia and at each site you can find a difference being made in the lives of so many deserving young people.

Since it began in 1993, the National Guard Youth Challenge Program has assisted over 75,000 students. The success rate is astounding: 80 percent earn their high school diplomas or GED, 26 percent enter college, 18 percent enter the military, and 56 percent join the workforce in career jobs.

Madam Speaker, I would like to thank the gentleman from Virginia for sponsoring the measure at hand and given the significant contribution that the National Guard Youth Challenge Program makes to our nation, I urge my colleagues to join me in supporting H. Res. 1202.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I ask my colleagues to join Congressman DICKS and me in honoring the students and graduates of the National Guard Youth Challenge Program and the people who support them by passing H. Res. 1202.

Nearly 7,000 students drop out of high school every day, putting each of them at risk for drug use, gang violence, and abusive relationships. The National Guard Youth Challenge Program is a 17-month voluntary intervention program that gives at-risk youth a chance to develop and grow in positive ways.

What few people realize is that the National Guard Youth Challenge Program is the second largest mentoring program in the United States. The program emphasizes service to community, leadership development, team building, life skills training, health education, physical activity, educational and vocational instruction, citizenship, positive relationships with adults and peers, and career planning.

Since its inception in 1993, over 77,000 former high school dropouts have graduated from 35 youth challenge programs in 29 States, Puerto Rico, and the District of Columbia. Seventy-four percent of these graduates have earned their high school diploma or GED, and each year 25 percent go on to college, 20 percent enter the military, and 55 percent join the workforce in career jobs.

A joint State and Federal effort, the National Guard Youth Challenge Program is growing and continuing to make a difference in the lives of our youth.

We hope you will join us in supporting the past, current, and future students of this program, and the goals and ideals of a National Guard Youth Challenge Day.

Madam Speaker, I yield back the balance of my time.

Ms. HIRONO. Madam Speaker, I rise in support of H. Res. 1202, a resolution that supports the goals and ideals of a National Guard Youth Challenge Day.

This measure celebrates the success of the National Guard Youth Challenge Program. Implemented by the National Guard in participating states, the program aims to address the growing national epidemic of high school dropouts by improving the education, life skills, and employment potential for ''at risk'' youth through military-based training and supervised work experience. The program is fundamental in giving young people a second chance to obtain their high school diplomas and to become productive citizens within their communities.

The National Guard Youth Challenge Program is results-driven and cost-effective. Since its inception in 1993, nearly 80,000 students have graduated from the program, and more than 90 percent of its graduates earn their high school diploma or GED, go to college, enter the military, or join the workforce.

When I served as Lieutenant Governor of Hawaii, I met with program participants and staff on numerous occasions and was impressed by the achievements of its graduates. The National Guard Youth Challenge Program has made a lasting impact on young people

and communities not only in Hawaii but across the Nation.

I urge my colleagues to support this measure.

Mr. DICKS. Madam Speaker, as a co-sponsor of this resolution, I appreciate the opportunity to offer a statement in support of House Resolution 1202, supporting the goals and ideals of National Guard Youth Challenge Day. I thank my colleague, Mr. DAVIS from Virginia, for having introduced this resolution so that today we are able to vote on it.

Throughout my career I have had a deep interest in programs that help our youth to develop into good citizens; citizens who will carry our Nation into the future, and citizens who are able to enjoy the satisfaction that comes from realizing their individual potential throughout their lives. It was a little over two years ago that I had my first direct contact with the National Guard Youth Challenge Program. I learned much about the program from meetings here in Washington, DC, where I heard about its 80 percent success rate in participating youth getting a high school diploma or GED. I heard about the success in graduating over 77,000 youth from programs in 30 states and territories. And I learned about the impressive numbers of graduates going on to jobs in the economy, joining the military, or continuing their education.

The statistics are impressive, but the experience that had the greatest impact on me was my visit to the Oregon National Guard Youth Challenge Program in Bend, Oregon. I was truly astounded by the stories that I heard from the young men and women there who found in themselves a desire to change, and made the commitment to the Youth Challenge experience to fundamentally change the direction of their lives. Many of these were youth who might otherwise have resigned themselves to a future of low expectations that could include drug and alcohol abuse, gang membership, and dead-end job prospects. But they took a chance on the Youth Challenge program, and through their own commitment and hard work found value, discipline and direction for themselves.

Today, I am pleased to be able to tell my colleagues that the State of Washington is well on its way to establishing a Youth Challenge program of its own. The support from the State government and the community have been absolutely fantastic. Governor Chris Gregoire, our State Superintendent of Public Instruction Terry Bergeson, the Adjutant General Tim Lowenberg, and the legislature in Olympia, Washington have been enthusiastically behind this program all the way.

In my home town of Bremerton, Washington, the Superintendent of Schools and the school board have embraced the program and look forward to our program at the Washington Youth Academy making a difference for youth from across the entire state. At the Federal level, the National Guard Bureau has been unwavering in its support of all of the programs across the country, and for starting this new program in the State of Washington.

The great thing about this program is that it sells itself. It just takes coming in contact with the positive energy young men and women in the program and their families to become a believer. By this time next year, I look forward to being able to report to my colleagues that the Washington Youth Academy will have graduated its first class of 150 youth who will be on a fundamentally different and more positive path for the rest of their lives.

Madam Speaker, I take great pleasure in supporting this resolution, and commend the National Guard Youth Challenge Program to the attention of all of my colleagues.

Mr. HIGGINS. Madam Speaker, I urge adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1202.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HIGGINS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SUPPORT OF THE GOALS AND IDEALS OF NATIONAL CARRIAGE DRIVING MONTH

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1128) expressing support of the goals and ideals of National Carriage Driving Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1128

Whereas the Carriage Association of America has, for almost 50 years, fostered and organized efforts to preserve and recognize the significant contributions that animal-drawn vehicles have made to American culture;

Whereas animal-drawn vehicles helped settle and build the United States of America;

Whereas it is now almost 100 years since the rapid change from animal-drawn vehicles to machine-powered vehicles;

Whereas museums across America have preserved and protected examples of carriages, wagons, and other types of mostly horse-drawn vehicles, which helped Americans build, farm, and socialize from the earliest days of this Nation's existence;

Whereas tens of thousands of Americans enjoy collecting, preserving, driving, and restoring horse-drawn vehicles;

Whereas there are hundreds of annual parades, shows, auctions, and similar events to enjoy, recognize, and preserve this important part of our Nation's heritage;

Whereas the World Equestrian Games have been awarded to the United States and will be held in 2010 at the Kentucky Horse Park in Lexington, Kentucky; and

Whereas the month of May is celebrated by the carriage-riding community as Carriage Riding Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for National Carriage Driving Month, along with its goals and ideals; and

(2) encourages supporters, historical organizations, and educational entities to observe the month and collaborate on efforts to further protect, preserve, and appreciate carriages as part of our Nation's history.

□ 1730

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I rise for the consideration of H. Res. 1128, which expresses the support for the goals and ideals of National Carriage Driving Month.

Our colleague, Congressman David Davis of Tennessee, introduced House Resolution 1128 on April 22 of this year. The resolution was considered by and reported from the Oversight Committee on July 16, 2008, by voice vote, and has the support and cosponsorship of 50 Members of Congress.

While over a century has passed since Henry Ford forever changed the face of transportation, tens of thousands of Americans still enjoy collecting, preserving, driving, and restoring horse-drawn vehicles. Aided by the efforts of organizations such as the Carriage Association of America, which has devoted great effort to preserving and recognizing the significant contributions of animal-drawn vehicles, carriages are enjoyed at hundreds of events nationwide each year.

I thank the gentleman from Tennessee for sponsoring the measure at hand. Passage of H. Res. 1128 will not only express our support for National Carriage Driving Month, but also encourage our fellow Americans and enthusiasts, historical organizations, and educational entities to observe and participate in events that protect, preserve and appreciate carriages as part of our Nation's history.

I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I would yield such time as he may consume to the gentleman from Tennessee (Mr. DAVID DAVIS), the author of this resolution.

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to ask the House to join me in supporting House Resolution 1128, legislation that supports the goals and ideals of National Carriage Driving Month.

The origin of carriages can be traced to the Middle Ages when roads were extremely crude, and wooden carts offered an uncomfortable way to be transported. From the 16th century,

various types of vehicles were built with some rudimentary form of springs to create some comfort for passengers. The luxury of springs spurred the popularity and comfort of this mode of travel and mass production of carriages would begin in earnest.

As travel distances increased, the hooded carts were replaced with carriages with a roof and later with a closed cabin with doors and windows. Carriages were built for royalty, businessmen and merchants and commoners, often named after their function or shape.

When the technique of forging iron was developed in the 1800s, steel parts would replace leather springs. Industrially produced springs, axles and other metal parts improved the quality of the carriages leading into the 19th century, which was the golden age of the carriage.

The Industrial Revolution stimulated economic changes that added prosperity to the middle class, and they would ultimately become the driving force behind the purchase of carriages and the creation of carriage factories founded in cities throughout America and the rest of the world. Certainly, before the advent of the automobile, Americans enjoyed the horse-drawn carriage as a mode of transportation. Today, many people, including constituents of mine in east Tennessee, collect and restore the great vehicles as an avocation. Tens of thousands of Americans now enjoy this pursuit and millions more Americans enjoy their work in parades, shows and museums.

The month of May is often celebrated by the carriage community as carriage riding month, and this legislation supports the idea of a National Carriage Driving Month. These vehicles helped settle and build our Nation in its infancy, and this noncontroversial legislation celebrates the elegance and charm of a bygone era.

In closing, I am pleased that the House is considering this noncontroversial legislation celebrating a mode of transportation prior to the era of the automobile. I regret the House is not considering meaningful legislation to deal with our current energy crisis. With gas prices continuing to escalate, my friends in the carriage restoration and driving community may find themselves in demand once again.

I ask my colleagues to please support House Resolution 1128 and please support bringing meaningful energy legislation to the floor on which so many of my constituents of the First Congressional District of Tennessee are asking for action.

Mr. HIGGINS. Madam Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Madam Speaker, I would associate myself with the remarks of the gentleman from Tennessee.

Madam Speaker, just one month ago we honored the 100th Anniversary of General Motors and one of their most famous cars, the Corvette, as a company that revolutionized the way people travel. And today, we are here to recognize the significance of the horse carriage that ultimately led to the evolution from animal-drawn vehicles to machine-powered vehicles.

Originally developed to transport wealthy people in a clean, elegant and safe manner, the carriage has evolved over time. In this country, carriages were not only used by the wealthy, but became part of the fabric of everyday life as they were used on farms and in towns for commerce, trade and transportation.

Carriages have now become a pleasant way to experience the past as well as a way to preserve a part of American history. Museums across the country have exhibits of horse drawn carriages, which help educate visitors about these vehicles that were such an important part of American history.

Carriages can also be found at numerous parades, shows and fairs where they help showcase and preserve horse drawn vehicles.

Carriage use still thrives at these types of events due to the hard work of groups such as the Carriage Association of America (CAA) whose mission it is to preserve the history and tradition of horse drawn carriages and sleighs.

This resolution also seeks to highlight the World Equestrian Games which will be held in Lexington, Kentucky in 2010.

One of the events during the games will be competitive carriage driving called, Carting.

Madam Speaker, this resolution makes me wonder, that while the horse drawn carriage has largely vanished as an everyday occurrence, if more and more people won't revert back to this form of transportation now that gas prices are so high.

But I digress. Madam Speaker, I call on my colleagues to support a National Carriage Driving Month and encourage people to further protect, preserve, and appreciate carriages as part of our Nation's history.

Madam Speaker, I yield back the balance of my time and urge adoption of the resolution.

Mr. HIGGINS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1128.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STAN LUNDINE POST OFFICE BUILDING

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6226) to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAN LUNDINE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, shall be known and designated as the ''Stan Lundine Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Stan Lundine Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield myself such time as I may consume.

I am pleased to come to the floor today for the consideration of H.R. 6226, which recognizes the achievements of Stan Lundine. I introduced this measure on June 16, 2008, and the bill enjoys support from members of the New York congressional delegation. H.R. 6226 was considered in committee on July 16, 2008, and was ordered to be reported by voice vote.

Stan Lundine was born on February 4, 1939. He grew up in Jamestown, New York. He served his community as mayor of Jamestown, as a United States Representative, and lieutenant governor of New York. He graduated from Duke University in 1961 and from New York University School of Law in 1964.

As mayor of Jamestown from 1970 to 1976, his work implementing a labor management strategy ended long-running labor conflicts and helped Jamestown gain national attention as a model for labor-management cooperation.

During his time in Congress from 1976 to 1987, Stan focused on finance, banking and economic development policy. He was chairman of the Subcommittee on International Development Institutions and Finance and played an instrumental role in developing legislation that created labor-management councils and employee stock ownership plans.

In 1986, Stan became lieutenant governor of New York under Governor Mario Cuomo, where he focused on housing, economic development, technology, and job training programs.

Today, Stan continues his public service through his position on the boards of directors for several not-for-profit organizations, including the Chautauqua Institution, the Robert H. Jackson Center, and the Fredonia College Foundation. He also recently served as head of the New York State Commission on Local Efficiency and Government Competitiveness.

The legislation before the House today, H.R. 6226, would honor Stan Lundine by naming a post office in his hometown of Jamestown, New York, in his honor. I urge my colleagues to adopt this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6226, legislation to designate the post office in Jamestown, New York, as the Stan Lundine Post Office Building.

Stan Lundine is one of Jamestown, New York's most steadfast public servants, who served as mayor of Jamestown, as a United States Representative and as lieutenant governor of New York. A Jamestown native, Stan Lundine was elected mayor of his hometown in 1970, just 6 years after graduating from New York University School of Law. At the start of his career, he found the City of Jamestown crippled by labor strife and immediately implemented a successful labor-management strategy that would receive national attention.

Realizing his success as mayor, the people of New York's 39th District elected Lundine to the House in 1976. In his five terms as a Congressman from New York, Stan Lundine continued to focus on labor-management issues and was instrumental in developing legislation that created labor-management councils throughout the country and employee stock ownership plans. While in Congress he also focused on finance and banking, serving as subcommittee chairman of the House Banking Committee.

After a successful career in the House of Representatives, Congressman Lundine declined to seek reelection, but once again turned his attention to State government. In 1986, he was elected lieutenant governor of New York under Mario Cuomo and served his home State for another 8 years. During his tenure as lieutenant governor, he worked on housing, technology, economic development initiatives, as well as training and programming policies, until he and Governor Cuomo were defeated in 1994.

In addition to his public service to the State of New York, Congressman Stan Lundine's contributions and accomplishments stretch deep into the private sector. Putting his labor-management skills to use, he now serves as director of the National Forge Company, U.S. Investment Services, and John Ullman Associates. He also serves as executive director of the Chautauqua County Health Network, a group of four hospitals and their physicians dedicated to improving the local health care delivery system in his community.

His contributions to the country, the State of New York and the City of Jamestown are as important as they are lasting.

Let us commemorate his 25 years of public service by naming the post office in his hometown of Jamestown, New York, the Stan Lundine Post Office Building.

Madam Speaker, I am prepared to yield back the balance of my time and would urge the adoption of the resolution and thank the gentleman for introducing it.

Mr. HIGGINS. Madam Speaker, I would urge passage of this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 6226.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD REAGAN CENTENNIAL COMMISSION ACT

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5235) to establish the Ronald Reagan Centennial Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ronald Reagan Centennial Commission Act''.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the ''Ronald Reagan Centennial Commission'' (in this Act referred to as the ''Commission'').

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) plan, develop, and carry out such activities as the Commission considers fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(3) develop activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth; and

(4) submit to the President and Congress reports pursuant to section 7.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) The Secretary of the Interior.

(2) Four members appointed by the President after considering the recommendations of the Board of Trustees of the Ronald Reagan Foundation.

(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(5) Two Members of the Senate appointed by the majority leader of the Senate.

(6) One Member of the Senate appointed by the minority leader of the Senate.

(b) EX OFFICIO MEMBER.—The Archivist of the United States shall serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(e) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(f) RATES OF PAY.—Members shall serve without pay.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or his or her regular place of business, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) CHAIRPERSON.—The chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission may appoint an executive director. The executive director may be paid at a rate not to exceed the maximum rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—The Commission may appoint and fix the pay of additional personnel as it considers appropriate except that an individual so appointed may not receive pay in excess of the maximum rate of basic pay for GS–13 of the General Schedule.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except as provided in subsections (a) and (b).

(d) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–14 of the General Schedule.

(f) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out

its duties under this Act. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating its work.

(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available nationwide to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to carry out its duties under this Act.

(f) CONTRACT AUTHORITY.—To the extent or in the amounts provided in advance in appropriations Acts, the Commission may enter into contracts with and compensate government and private agencies or persons to enable the Commission to discharge its duties under this Act, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—The Commission shall submit to the President and the Congress annual reports on the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(b) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(c) FINAL REPORT.—Not later than April 30, 2011, the Commission shall submit a final report to the President and the Congress containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings, conclusions, and final recommendations of the Commission.

SEC. 8. TERMINATION.

(a) IN GENERAL.—The Commission may terminate on such date as the Commission may determine after it submits its final report pursuant to section 7(c), but not later than May 30, 2011.

(b) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission.

SEC. 9. ANNUAL AUDIT AND AUTHORIZATION AND AVAILABILITY OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated $1,000,000 to carry out this Act for the period encompassing fiscal years 2009 through 2011, but not to exceed $500,000 in any fiscal year.

(b) AVAILABILITY.—

(1) Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(2) Amounts appropriated pursuant to subsection (a) in excess of $500,000 shall be available for obligation only to the extent matched by an equal amount of nongovernmental contributions.

(c) ANNUAL AUDIT.—For any fiscal year for which the Commission receives an appropriation of funds authorized under this section, the Inspector General of the Department of the Interior shall perform an audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield 2 minutes to Representative FOSTER from the State of Illinois.

Mr. FOSTER. Madam Speaker, today I rise in strong support of H.R. 5235, the Ronald Reagan Centennial Commission Act.

This bill is especially significant for myself and for my constituents, because Ronald Reagan was a native son of my district. Born in Tampico, Illinois, and raised in Dixon, Ronald Reagan spent his life upholding the strong values of small-town America.

Whatever your political philosophy, there is no doubt that Ronald Reagan left an indelible imprint on the fabric of America. The Great Communicator, he had an emotional connection with the American people that was sustained through good times and bad.

As a physicist, I want to pay particular tribute to President Reagan's rock-solid belief that the world should be rid of nuclear weapons. That moment in Reykjavik, in 1986, when Mikhail Gorbachev and Ronald Reagan reached an agreement in principle to rid the world of nuclear weapons, is a moment and an opportunity that we should not have let slip between our fingers, and we should grasp and seize in the future.

While we all recognize that we live in a dangerous world, nonetheless, nuclear disarmament is an aspirational goal that world leaders should strive to achieve.

I would also like to take this time to commend Nancy Reagan for her strength during her husband's illness and her steadfast devotion to President Reagan during his last days. Her work since his death has been essential in preserving his legacy, and we should pass this bill to honor her efforts.

This bill, if passed, would establish the Ronald Reagan Centennial Commission in order to honor the 100th anniversary of Reagan's birth with activities, a postal stamp and a $1 coin.

I urge my fellow representatives to vote in favor of this bill so that we may properly celebrate the life, legacy, and hometown of this consequential President. He was loved by his country and he is deserving of this honor.

Mr. DAVIS of Virginia. Madam Speaker, I would yield to the author of this resolution, Mr. GALLEGLY, the gentleman from California, as much time as he may consume.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of H.R. 5235, the Ronald Reagan Centennial Commission Act.

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To prepare for the upcoming anniversary of his 100th birthday on February 6, 2011, Mr. BLUNT and I, along with 160 cosponsors from both parties, introduced this legislation creating the Ronald Reagan Centennial Commission to pay tribute to our 40th President.

This 11-member bipartisan commission is similar to the others created for Presidents Abraham Lincoln, Theodore Roosevelt, Franklin Delano Roosevelt, Harry Truman and Dwight Eisenhower. This commission will develop plans and memorials to honor President Ronald Reagan. These events will take place all over the country, from here in Washington, DC to his birthplace in Illinois, to California, where he lived most of his life.

As a fellow Californian, I had the great pleasure of spending time with him when I first came to the House of Representatives in 1986. And as a matter of fact, his Presidential Library and burial place is only a few blocks from my own home in Simi Valley, California.

''The Great Communicator'' spoke for the American people, capturing the hearts of small-town citizens and world leaders alike. His remarkable career and public life spanned over 50 years. It began as a student leader, sports broadcaster in Illinois and Iowa, then to Hollywood as an actor and long-time president of the Screen Actors Guild.

California enjoyed an economic resurgence during his terms as Governor, and as President of the United States, his legacy is extraordinary. In 8 short years as President, Ronald Reagan presided over international changes and ushered in unparalleled peace and prosperity, not only for our Nation, but for the entire world.

I want to thank my good friend, ROY BLUNT and his staff for supporting, as well as Chairman WAXMAN and the ranking member, TOM DAVIS, and their staffs for their assistance in putting this bill together.

I also want to express my appreciation to our Majority Leader, STENY HOYER, for bringing this bill to the floor today.

I ask my colleagues to join me in strongly supporting H.R. 5235, the Ronald Reagan Centennial Commission Act.

Mr. HIGGINS. We have no more speakers, but I will continue to reserve.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

I again want to thank Mr. GALLEGLY and Mr. BLUNT for their work and leadership on this bill, and for Mr. WAXMAN, the chairman of the committee,

for enabling this to move forward in such an expeditious manner.

On 9 separate occasions, Congress has established a commission or a joint committee to celebrate the life and accomplishments of one of our Nation's Presidents or First Ladies. To date, we have honored James Madison, Thomas Jefferson, Abraham Lincoln, Teddy Roosevelt, Woodrow Wilson, Franklin Roosevelt, his wife, Eleanor, Harry Truman and Dwight Eisenhower.

Madam Speaker, H.R. 5235, The Reagan Centennial Commission Act, would create a commission to add Ronald Reagan to that list. Like previous commissions, the Reagan Commission will use the occasion of what would have been President Reagan's 100th birthday in 2011 to call attention to his life and his numerous accomplishments.

The commission will plan activities for the year leading up to the President's birthday. In the past, activities have included essay contests for students, research papers, symposiums, events at particular historical sites, and even joint sessions of Congress.

The commission will be composed of Members of Congress and individuals who have a knowledge or other expertise concerning the life of President Reagan, including his childhood, his career in Hollywood and his political career and legacy. Given the impact of President Reagan on his beloved California, the United States and the world, this is a fitting and a proper tribute.

Madam Speaker, Ronald Reagan transformed our Nation. He spoke of limited government, commonsense values, and the bedrock notion of democracy which built this country. He embodied the optimism, the principles and the determination of our citizens and our Nation. The American people responded to his call, and he led this country back from a decade of decline, transforming politics forever.

As a broadcaster, as an actor, as Governor and as President, he gave voice to America.

I am pleased to support this legislation, and I ask my colleagues to join me.

Madam Speaker, I yield the balance of my time.

Mr. HIGGINS. Madam Speaker, I thank the gentleman from California for introducing this measure. I urge its passage, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 5235, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON S. 294, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Mr. OBERSTAR. Madam Speaker, pursuant to clause 1 of rule XXII, and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the Senate bill (S. 294) to reauthorize Amtrak, and for other purposes, with a House amendment thereto, insist upon the House amendment, and request a conference with the Senate thereon.

The Clerk read the title of the Senate bill.

The motion was agreed to.

MOTION TO INSTRUCT

Mr. HELLER of Nevada. Madam Speaker, I have a motion to instruct at the desk.

The Clerk read as follows:

Mr. Heller of Nevada moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 houses on the House amendment to the bill S. 294 be instructed to insist on the provisions contained in section 221 of the House amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Nevada (Mr. HELLER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER of Nevada. Madam Speaker, I rise today to offer a motion to instruct conferees on H.R. 6003, the Passenger Rail Investment Improvement Act of 2008. This simple motion directs the House-Senate conferees to insist upon section 221 of the House bill, which states that ''Amtrak shall be subject to the Buy American Act, the regulations thereunder, for purchases of $100,000 or more.''

Especially during these trying economic times, it is important that Amtrak, a taxpayer-subsidized agency that has never turned a profit, support American businesses and jobs. In fact, one of the most important ways Amtrak could help the American economy is by buying American, especially by buying American oil.

Amtrak runs on diesel fuel, and diesel prices in our Nation are at an all-time high. For the past several months, when I was at home in Nevada, the number one issue on the minds of my constituents was the high price of fuel. I am sure there is no difference than any other district, since fuel costs have reached record highs across this Nation.

In fact, this week some of my constituents were in town and came by the office. In talking with them, I was vividly reminded just how the high cost of fuel, spurred by congressional inaction, is hurting families in my district.

The Anderson family lives in Carson City with their two kids, Steve and Sarah. They are a model American middle class family. The father is a dental lab technician, the mother is a nurse. Their kids are good students and play basketball and volleyball. But gasoline expenses are hurting their budget. Disposable income for them, just like all Americans, is disappearing as they drop their kids off to play sports or attend their kids' games.

Record high fuel prices are not only crippling family budgets, but also public safety efforts, educational institutions, small businesses, and causing inflation in all manner of products and commodities.

Despite several promises from the majority party, however, we have seen nothing that would truly help consumers with the high cost of fuel today. Yet, April 18, 2006, more than 2 years ago, then Minority Leader NANCY PELOSI stated, ''Democrats have a plan to lower gas prices.'' Again, April 24, 2006, Minority Leader NANCY PELOSI released a statement saying, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.''

The parade of bold statements promising help for the American consumers continues. Majority Leader STENY HOYER, October 2005 said, ''Democrats believe we can do more for the American people who are struggling to deal with high gas prices.''

Not to be outdone, Democrat Whip JIM CLYBURN said, ''House Democrats have a plan to help curb rising gas prices'' in July of 2006.

And Madam Speaker, we haven't seen the results of these plans. The American people would like to see the plan.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

I welcome the gentleman's motion to instruct. The Buy America provision in Amtrak is comparable to the Buy America provision that I authored, got enacted in the 1982 Surface Transportation Assistance Act, to require all steel in the Federal Aid Highway Program to be made in America, American steel. And we extended that to the transit program subsequently, and to the Corps of Engineers program.

The situation with Amtrak is that there are two Buy America laws. The first was established in 1978. It requires Amtrak to buy U.S.-sourced equipment, U.S. materials, U.S. supplies for purchase in excess of $1 million.

As time went on, there was concern that there was a good deal of equipment manufacturing moving offshore because our domestic rail transit, rail passenger transit systems were in decline. There was little funding for them, and manufacturers were drying up in America, and the new sourcing was coming from foreign manufacturers. So the Appropriation Bill of 2002 required Amtrak to comply with the Buy America for procurements under $1 million, pursuant to Amtrak's grant agreements.

Our bill would require Buy America to apply to purchases of $100,000, being very specific about it, $100,000 or more. So this motion instructs the managers

to insist, and we are happy to insist on those provisions.

I thank the gentleman from Nevada for his motion.

I reserve the balance of my time.

Mr. HELLER of Nevada. Madam Speaker, I reserve 5 minutes for the gentlewoman from Minnesota, Michele Bachmann.

Mrs. BACHMANN. I thank my colleague from Nevada (Mr. HELLER) for his leadership on buying American, especially as it relates to American energy sources.

I also thank the Speaker, as well, for this 5 minutes. It is important, Madam Speaker, that we do buy American, especially American energy.

Part of the problem that we have had for the last 31 years is that the United States, specifically the United States Congress, has almost made it a decided decision not to purchase American energy.

How do I say this?

I have a voting record in front of me, Madam Speaker, and it says this: When the votes have come on this floor to purchase American energy, this is how the votes have gone over purchasing oil and exploring for oil up in the ANWR region, where Mr. HELLER and myself were this weekend. Republicans voted over 90 percent of the time to buy American, yes, American energy in the ANWR region. Democrats, unfortunately, Madam Speaker, voted ''no'' to buy American 85 percent of the time.

When you look at purchasing American energy, Madam Speaker, through the coal-to-liquid program, Americans voted almost 100 percent of the time to buy American. Democrats voted ''no'' almost 80 percent of the time to buy American on coal-to-liquid fuels.

On oil shale exploration, purchasing American energy through this tremendous resource of oil shale exploration of which America is the Saudi Arabia of the world in Colorado, Utah and Wyoming, Republicans voted ''yes'' 90 percent of the time, while Democrats voted ''no'' to buying American 85 percent of the time.

□ 1800

Sounds like we're on a roll. Sounds like we're on a trend.

Well, unfortunately, Madam Speaker, the Outer Continental Shelf exploration, Republicans also voted ''yes'' to buy American oil and American natural gas over 80 percent of the time while our Democratic colleagues across the aisle voted ''no'' 80 percent of the time to buy American energy.

To purchase American energy, Madam Speaker, to increase refinery capacity—this is a crucial issue in our energy capacity—Republicans voted ''yes'' to buy American energy from refineries almost 100 percent of the time while Democrats voted ''no'' on increasing energy capacity with refineries 95 percent of the time.

I know it's hard to believe and hard to understand, but there has really been a very clear divide over energy policy in our country over the last 30 years. And unfortunately, our colleagues on the Democrat side of the aisle have made a very clear and distinct decision, and it has been this: No new energy exploration in the United States. They have been very clear about this. They don't want to increase energy exploration in the United States. We need to.

And we aren't choosing just oil, just natural gas, just coal; we want to say ''yes'' to wind, to solar, to biofuels, to nuclear power, to all of the above. We have to say ''yes'' to all of the above or America will find itself at an energy deficit.

I know the people that I serve, Madam Speaker, in the Sixth Congressional District in Minnesota are feeling that squeeze right now. I checked today in Minnesota, the average price of regular unleaded gas is $3.86 a gallon. It's something more than that nationally. But I will tell you the people in Minnesota, especially the people who are living on the margins, are feeling the pain right now of these price increases.

But a wonderful story that Congressman HELLER and I learned when we were on the all-of-the-above exploratory tool is that we have great answers here in the United States. The good news, Madam Speaker, is that we do not have an energy deficit in the United States. We do not suffer from a lack of resources. We have 27 percent of all of the world's coal in the United States. We have 2 trillion barrels of oil just in the United States. We have 88 billion barrels, conservatively speaking, in the Outer Continental Shelf, over 10 billion barrels in ANWR, and also 10 billion barrels near my home State in the Bakken Oil Reserve. We have energy in abundance in the United States. The problem is that Congress has said ''no.''

So what is standing between $2 gasoline and the American people, Madam Speaker, especially American-made energy? It's the United States Congress. It isn't the companies that have been bad guys or that the American people have been bad guys for using too much energy; it's the United States Congress, and unfortunately, the Democrat-controlled United States Congress that it's made a clear decision that they don't want to increase American energy. This is nonsense.

Both Congressman HELLER and I learned together this weekend that we have the resources, we have them available, which is why we need to buy American energy now.

Mr. OBERSTAR. Madam Speaker, I reserve the balance of my time.

Mr. HELLER of Nevada. Madam Speaker, the House has addressed some minor aspects of energy policy. And I have supported several of the measures that the House has debated and voted on, including legislation to address price gouging, halt delivery to the Strategic Petroleum Reserve, and to address the international energy cartels. But only one of these measures is now law.

I just returned, as my colleague from Minnesota mentioned, with a group from the Arctic National Wildlife Reserve and other areas of Alaska which are rich in potential oil and energy resources. Exploration and development of these resources could easily happen in an environmentally sound fashion, quickly brought online, and is something that Alaskans support.

Our group on this same recent trip toured the National Renewable Energy Laboratory in Colorado as well. As Nevada is a leader in renewable energy development, I also strongly support renewable energy as a long-term solution to our energy needs. I voted for a renewable portfolio standard and on the House floor have cosponsored legislation to expand renewable energy by extending tax incentives. However, these bills scratch the surface of our fuel crisis, nor are they a substitution for a realistic and truly comprehensive energy policy.

Congress needs to act now on measures that will lower the price of fuel immediately and in the short term. Conservation is one such area, exploration and drilling are another. Long-term solutions—alternative fuels, renewable fuels, and even the expansion of mass transit—are simply not going to help our constituents this month, this summer, or probably even this year. They are very likely several years off. So this Congress must act to address the short-term needs of drivers today. Currently, the current approach by Congress to date has done little or nothing to address the crisis on fuel prices now gripping my district and the Nation.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, we have no other speakers on our side, and I reserve my time.

Mr. HELLER of Nevada. Madam Speaker, Americans are now paying on average $1.67 more per gallon than they were when the 110th Congress began. In Nevada, since the 110th Congress began, gasoline has increased about $1.50 per gallon. So far this year, crude prices have increased 40 percent.

Since passage of H.R. 6, a so-called comprehensive energy bill, in December of 2007 gas prices have risen nearly 10 percent, diesel prices have risen more than 16 percent, oil has reached all-time highs. Clearly this bill was not the answer to our fuel problems. Clearly whatever the House majority is doing, badgering corporate executives, berating the President, holding hearings after hearings wasting time, is not working. It's not the commonsense plan we were promised. Tax increases on fuels are not part of the commonsense solution and are not a substitute for a real energy policy.

I have spoken to more than 100,000 households in Nevada during the course of some telephone/town hall meetings and have asked, Do you support the proposed 50 cent per gallon gas tax?

Eighty-two percent oppose this tax increase sending a clear message that the people of Nevada oppose these outrageous plans.

Additionally, tax increases that affect oil companies also hurt retirees, seniors, and pension funds. In 2004, more than 2,600 pension funds run by Federal, State, and local governments held almost $64 billion in shares of U.S. oil and natural gas companies. These funds represent the major retirement security for the Nation's current and retired soldiers, teachers, and police and fire personnel at every level of government. Fourteen percent of shares are held in IRAs and other personal retirement accounts. Forty-five million U.S. households have IRAs and other personal retirement accounts.

The effects of a punitive windfall profits tax on the energy industry would likely be the same as when it was tried last in the 1980s reducing investment in domestic oil production. The windfall profits tax during the Carter administration drained billions of dollars from the industry which was money not spent on U.S. exploration and production. Furthermore, the windfall profits tax failed to raise a fraction of the projected revenue.

Consequently, like most of the House and Senate Republicans, I have voted against billions in tax increases on energy companies which have only been passed along to consumers in the form of higher prices. With billions in tax increases being put forth in the House, not one of them has passed the Senate. Clearly this approach is not consensus and is not part of a commonsense plan to address high fuel prices.

While speculation may have a significant effect on oil prices, this process can work in reverse as well. Merely the announcement that Congress is willing to allow full debate on the issues or that certain moratoria will be lifted will cause energy prices to react accordingly. In fact, I have requested a hearing on this issue at the Financial Services Committee on which the committee has some jurisdiction.

A real energy policy will address a variety of measures, including the very basic cause of high prices, supply, and demand. Congress desperately needs to address refinery expansion, coal-to-liquid technologies, lifting offshore moratoria, oil shale, and other areas that will address skyrocketing gasoline and diesel prices.

Our Nation hasn't built a new refinery in more than 30 years, yet demand for refined petroleum has continued to increase. Estimates show the world's energy needs will be 50 percent higher in 2030 with 55 to 65 percent of demand from conventional oil and gas.

The last time Congress opened access of a large oil field to develop was in 1973. The Congressional Research Service notes that 86 billion barrels of oil and 420 trillion cubic feet of natural gas are classified as undiscovered resources right here in this country and are offshore. Yet Congress has imposed moratoria on much of the Outer Continental Shelf since 1982. This oil represents about 33 percent of Saudi Arabia's proven reserves.

ANWR holds billions of barrels of oil that we intentionally refuse to develop. The U.S. is the only Nation that closes off its own reserves, its own natural resources and willfully subjects its economic future to the whims of oil dictatorships like Venezuela.

Russia and the volatile Middle East can hold sway over the American economy not because they can but because we allow them to. China, a Communist country, is exploring for oil with the consent of Cuba, another Communist country right off our shores. In what economic world does that make commonsense?

Simply put, we cannot conserve, tax, or regulate our way out of this problem. Nor should we cajole our way out by begging foreign nations for help. Renewable and alternative sources of energy, which enjoy bipartisan support, are simply not a realistic, cost-effective option today.

The reality today is that our Nation, now and into the foreseeable immediate future, runs on gasoline, diesel fuel, and other petroleum products. Recognizing this reality and doing something about it is critical to our economy, public safety, education, tourism, and other areas.

The House should encourage buying American oil just as we encourage buying American products. In the meantime, this House should have a real broad, open, and forthright energy debate, not a series of small-bore suspension calendar bills that merely tinker around the edges. Congress must address all of the energy and fuel issues gripping this Nation the way the American people understand.

Let the will of the House work in a fashion that our constituents can follow and appreciate. The American people, like the Andersons and so many others in my district and nationwide, are demanding answers and demanding action. We should respond accordingly.

Support this motion to instruct and support buying American, including American energy.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the chairman, and Madam Speaker, I wanted to respond to some of the points that have been raised regarding what is going on with the gas prices right now in the country.

I am talking to constituents, just as my colleague on the other side is talking to constituents, and there is no question that people are hurting with the gas prices that are out there right now. That's one of the reasons the Democrats here in Congress have tried to take some very constructive steps to bring down the cost of gas at the pump. Among those, we're pushing very hard on the President to cease putting oil into the Strategic Petroleum Reserve. He finally came around on that. So I think that made a difference.

Secondly, the push in recent legislation to try to curb the speculation in the oil and gas industry by interests, frankly, that don't know much about that industry but are in it to make a buck and have been driving the price up and up, and we want to crack down on that.

Finally, among the more immediate measures that we can take—you know, I'm privileged to serve, as is my colleague, on the Natural Resources Committee here in Congress. So we bring a very thoughtful analysis to what is happening with our Federal and public lands and making sure we're using our natural resources wisely.

One of the ways we do that is to have issued from the agencies that have responsibility for it, permits and leases so that the oil industry can explore right here in the United States. And I'm going to repeat the figure which has been repeated many times because it's an accurate one, and that is that there are 68 million acres right now for which the oil industry, oil and gas industries hold permits and leases where they are not producing, where they are not pursuing those leases.

So we hear a lot about we should be trying to buy American resources and buy American and buy American oil. Well, we have the opportunity to buy American oil only if we're producing American oil.

□ 1815

And the industry, for one reason or another—and it's kind of hard to figure out the industry—has not taken advantage of those permits that they have.

We tried to put through legislation last week. It was defeated in large part because of the opposition on the other side, a bill where we would basically force the oil industry to either use these permits or lose these permits, which we think is the right thing to do in order to take advantage of the natural resources that we have here right in our own country.

I'm trying to figure out why the oil industry doesn't want to drill, and then it occurred to me that, if you're an oil company, the current state of things isn't so bad. You know, people are paying $4, more than $4 a gallon for gas at the pump. The oil industry last year pulled down $100 billion worth of profits. So why would they think there's any problem? That's why we've got to push them, and the other side hasn't taken advantage of the opportunity here legislatively to try to push the oil industry to take advantage of these leases and permits that they already have.

Not only that, there are leases and permits out there with respect to the Outer Continental Shelf in terms of exploring our natural resources there, as well as the National Petroleum Reserve in Alaska.

You know, we've heard a lot about this visit that a contingent of Republican lawmakers took to visit the Arctic National Wildlife Refuge last week. They went to the wrong place. I mean, why not go to the place where you can actually get some oil and get it quick, if we would take advantage of the fact that permits and leases can be issued? We've already done the analysis on the NPRA, on this National Petroleum Reserve in Alaska, and the evidence is that we could get more oil from that location, for which we already have the authority to issue permits and leases to drill, than we could from the Arctic National Wildlife Refuge.

So I want to caution Americans not to be misled by some of this rhetoric that we're hearing from the other side.

We need to break our addiction to oil. The President of the United States himself has admitted that we're addicted to oil. If you're addicted to something, you don't solve your problem by just going and finding a new supply of the same thing that you're addicted to. You try to move to something else. You try to transition, and we need to move over the long term to smarter policies with respect to energy and finding alternative sources of energy and renewable sources of energy. We can do that. We have the ingenuity in this country; there's no question about that, if we're given the tools and the right kind of policies to pursue it. And we can break this addiction.

In the meantime, there's going to be a transition, absolutely, and it's not like tomorrow we're going to wake up and we're not going to need oil anymore. I understand that. Everybody in this body understands that. So you have got to have a plan to transition, and during that transition, we absolutely should be taking advantage of the resources in our own country. They can provide some of the energy.

And that's why, again, I come back to wondering out loud why it is that our Republican colleagues are so adamant in opposing these efforts to try to get the oil industry to drill on lands and in waters where they already have permits.

So, I'd just like to say that what the American people are looking for right now is not a lot of rhetoric, not a lot of double-talk. They want to know that we're trying to create smart policy here in Washington. The Democratic leadership has been doing that, both with respect to the steps we can take in the immediate near term to deal with the price of gas at the pump, but also to show that we've got an idea of where we're headed so that we can move away from this oil dependency and addiction.

Mr. HELLER of Nevada. Madam Speaker, I yield an additional 5 minutes to my colleague from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank my colleague, Mr. HELLER.

I am so grateful that the majority brought this issue up of use-it-or-lose-it because this is something that the American people have been subjected to now for the last couple of weeks, this canard, that there are 68 million acres, and they somehow want the American people to believe that companies are risking their capital on leases that they're not using.

And what I challenge the majority to do is produce even one lease, even one lease in the U.S. where there is an acre of land that has been leased that is not in some stage of production or exploration. Not one. We haven't seen proof of even one lease where a company has bid for that lease and that lease is not in some stage of either production or exploration.

Again, let's look at Congress and Congress' complicity in this area because Congress has set artificial timelines, delayed timelines, for permitting. The leases are 10 years' long, and there are no less than 11 different stop points in that 10-year lease period where private parties can file lawsuits to stop the drilling. So, if a lawsuit is filed, for instance, by Friends of the Earth, by Sierra Club, by Earth Justice, the oil company, or whatever business it is, has to respond to the lawsuit. The lawsuit will end up in Federal district court. Then it may get kicked up to the Ninth Circuit Court of Appeals. There's one case where a decision wasn't rendered for 2 years. Well, who made that scenario? The United States Congress.

The companies have bid on these leases. They've put money down on the barrel head to actually lease the land. They've got a 10-year timeline that Congress has given them, and there are artificial delays built in for the permitting and also 11 different points for private lawsuits to be filed. So those delays, again, are ones that Congress has allowed to occur.

There aren't companies that are sitting or dallying on a lease. I challenge this majority to produce even one, even one lease on even just 1 acre, where a company has a lease and they're not in some stage that Congress created of either producing or exploring on the land. Let alone defying any common sense of any businessman or -woman who puts their money on the line, their capital, they're not going to dissipate capital.

But you will hear the Democrat majority, Madam Speaker, rant and rail that there're somehow dilatory companies out there that are sitting on leases. They haven't produced one, they haven't shown one example that they can parade around this Chamber where a company is not producing on the land. It's just a patently false statement and, in fact, one that shouldn't be used.

I tell you, the real use-it-or-lose-it, Madam Speaker, it's this. When Congressman HELLER and I were recently up in ANWR this weekend, we learned a very sobering fact, and the sobering fact is this. Thirty-one years ago, the largest oil field in the United States was up in the North Slope of Alaska, Prudhoe Bay. Today, the largest oil field in the United States remains up in Prudhoe Bay.

This Congress has made a decision not to increase its oil fields. When the Trans-Alaska Pipeline was built in Alaska in the mid seventies, when oil production first began, 2.1 million barrels a day was flowing through that 800 miles of pipeline, 2.1 million barrels a day. Do you know what that is today, Madam Speaker? We are now down to 700,000 barrels a day flowing through that pipeline, 700,000 barrels a day. We have diminished by more than half the amount of oil that we are sending down to the lower 48 from that wonderful energy lifeline in Alaska.

Here's the sobering news, Madam Speaker. We learned this weekend that once we get down to 300,000 barrels a day flowing through that pipeline, the pipeline won't work anymore. This pipeline is a marvel of modern human engineering, a marvel. It's an incredibly valuable asset. I was told this weekend, Madam Speaker, that if we had to rebuild that pipeline today, we could be looking at a $15 billion investment.

What's the window of opportunity that we have? If we don't open up new oil fields, potentially within 10 years' time, that pipeline will be of no use to us because what we were told is, if you don't use it, you lose it.

The SPEAKER pro tempore. The time of the gentlewoman from Minnesota has expired.

Mr. HELLER of Nevada. I yield 1 additional minute.

Mrs. BACHMANN. I thank my colleague for that additional minute.

I just want to conclude by saying this. If you want to talk about a real use-it-or-lose-it, Madam Speaker, you're talking about one of the most valuable resources we have. It is the American energy lifeline that runs through the Trans-Alaska Pipeline that brings the valuable oil down to the lower 48. If we lose this pipeline, and if we lose it on this Democrat-controlled Congress' watch, we will lose our lifeline for any future oil development, which is all the more reason why we need to begin drilling here in the United States so we can buy American energy and buy it now.

If we fast track the permitting, if we pull out all of the unnecessary lawsuits, we could literally within just a few years' time build a 74-mile spur into ANWR, get that oil down to the United States, and increase American energy reserves by 50 percent.

I thank the gentleman for yielding that time.

Mr. OBERSTAR. May I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 22 minutes. The gentleman from Nevada has 7½ minutes.

Mr. OBERSTAR. In the interest of fast-tracking Amtrak, I reserve the balance of my time.

Mr. HELLER of Nevada. Madam Speaker, I have some final thoughts I'd like to share with this body, and I want to thank the chairman for his patience on this particular issue.

It was well-addressed by the gentlewoman from Minnesota, the amount of time and the time and the energy we spent up in ANWR, but I want to talk a little bit about the energy renewable laboratory in Golden, Colorado, where we also spent some time.

I found the statistics and the issues there very, very interesting. I'm one who thinks that we have a three-pronged chair here that's very important in our energy future. We want, of course, to be in conservation, which I believe the American people understand that conservation is a critical part. Renewable energy is also the third leg of that chair which is very critical. And also finding additional sources of energy through our natural resources is very critical.

I want to talk about the National Renewable Energy Lab that we spent some time with out there. We saw and drove in electric cars. We saw and drove in hydrogen cars, and obviously, we saw the hybrid cars, also.

I just want to mention briefly that renewable energy is the future, but I believe it's a long-term future. Let me give you an example.

Five or 6 years ago, I drove in a hydrogen car down in Las Vegas. I got a phone call from the other end of the State, come on down, drive this hydrogen car. I thought it was a great idea, went down there, drove in a hydrogen car, went around the block, got out of the car, and I asked the gentleman: So what does it cost? How much does it cost for a consumer to buy this hydrogen car? He told me it was $1 million, $1 million for this hydrogen car.

Well, Madam Speaker, I drove a hydrogen car last week, drove it around the block, got done, opened the door, asked the gentleman: So how much does this car cost? And the car still cost $1 million dollars, $1 million for a hydrogen car. I don't have very many constituents that are willing to go out today and buy a $1 million car.

So we drove the electric car, drove it around the block, ran fine, asked the question: How far does the car go? He said, well, about 70 miles on a charge. How long does it take to charge? About 6 minutes. How much does this car cost? Very expensive, over $100,000. I said, well, what would it take, what would it take to get an electric car that goes 300 miles at 60 miles an hour that charges in 10 to 15 minutes and costs less than $30,000 but it will go 60 miles an hour? That's what the consumers want here in this country, and they say we're not even close. We're not even close to that.

□ 1830

Renewables are incredibly important; the technology isn't there today. So that is the purpose that we continue to go up to ANWR, take a look at ANWR, talk about additional oils.

I will tell you, what struck me on my trip up to ANWR was this; that if we conserve—and the American people are conserving and they'll do more to conserve—if we build renewable energy, look for cars, look for opportunities, the technology for renewable energies, and meet our goals—our goal here in this Congress I believe is 15 percent by the year 2020—if we meet those goals, we are still going to need an additional 10 million barrels a day of oil by the year 2025. Even if we conserve, even if we do all the renewable efforts—and the American people are doing that—we're still going to go from 15 million barrels of oil a day to 25 million barrels a day by the year 2025. That's why it's critical. That's why we went up to ANWR. That's why we want to take a look at the opportunity to open up the Outer Continental Shelf, to look at the northern shore of Alaska. I think these principles are critical, that's why we did that.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself 2 minutes.

I appreciate the thoughtful presentation of the gentleman from Nevada, very structured and supported by documents and references to specific facts.

The energy issue really consists of three elements; supply, demand, and a regulatory function. We need to deal with all three of those.

On the supply side, one of the elements we're supplying is the Maglev project that was authorized in the current SAFETEA legislation that the gentleman from Alaska and I worked on to connect Los Angeles with Las Vegas. I know that's of great interest to the gentleman from Nevada. And I'm very hopeful that we will see that project take root and go into operation. It will be a great addition to our surface transportation system and will reduce energy costs.

I heard the gentleman's reference to the electric car. There is a small, family-owned firm in my district that's making a very small electric car, selling for under $120,000, maybe $115,000. It's not an Escalade, but it's a very nice vehicle. It can get people from one point to another very efficiently for about the cost of what it takes to run your refrigerator for a year. So there is progress being made in all of these arenas.

In Amtrak, we will be able to make an enormous contribution, an alternative to air travel, intercity passenger rail more fuel efficient than car and air travel, consuming less energy than a car or airplanes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional minute.

And with the new energy-efficient equipment that Amtrak and the freight rail network are using, we will see more fuel-efficient switching locomotives, more energy-efficient auto train vehicle carriers, and the regenerative braking system with Acela.

We need to move ahead with this legislation and make our contribution in our little corner of the world in transportation through accelerating the work on Amtrak, which has been a bipartisan product of our committee.

Section 221 of the bill requires Amtrak to comply with the Buy America Act, and the regulations thereunder, for purchases of $100,000 or more.

Amtrak is currently subject to two separate Buy America laws. The first was established in 1978 and requires Amtrak to procure U.S.-sourced equipment, materials, and supplies for purchases in excess of $1 million. The second was established in the appropriations bill of 2002 and requires Amtrak to comply with Buy America requirements for procurements under $1 million, pursuant to Amtrak's grant agreements in effect with the Department of Transportation.

Our bill ensures that Amtrak would be subject to one set of Buy America requirements for procurements of $100,000 or more.

This motion instructs the House managers in the conference to insist on the provisions contained in Section 221 of the bill. The Senate-passed Amtrak reauthorization bill does not contain a similar Buy America requirement for Amtrak. We feel this provision is important, so we support the motion.

ENERGY BENEFITS OF AMTRAK

Amtrak and intercity passenger rail helps fight global warming. Our transportation sector produces one-third of the nation's greenhouse gas emissions (and one-twelfth of the world's). The average intercity passenger train produces 60 percent less carbon dioxide emissions per passenger mile than the average automobile, and 50 percent less carbon dioxide emissions per passenger mile of an airplane.

Amtrak and intercity passenger rail reduces highway and aviation congestion. Gridlock is becoming a shared experience for tens of millions of motorists every day, which impacts communities across the country. Over the past decade alone, travel growth on the nation's highways has averaged 2.2 percent annually. In 2007, congestion forced Americans to waste 2.9 billion gallons of fuel and cost Americans a staggering $78 billion. One full passenger train can take 250 to 350 cars off the road. Further Amtrak as a whole removes 8 million cars from the road and eliminates the need for 50,000 fully-loaded passenger airplanes each year. In conjunction with metropolitan transit systems, the city-center to city-center service offered by intercity passenger rail can also support dense, transit-oriented development in downtown areas, helping to reduce highway travel demand for both local trips and intercity trips.

Amtrak provides an alternative to air travel. Intercity passenger rail is competitive with air travel of 500 miles or less, and more than 80 percent of all trips exceeding 100 miles in length are less than 500 miles. For example, Amtrak service controls 56% of the air/rail market from Washington, DC to New York City and 43% of the air/rail market from New York City to Boston, MA.

Amtrak and intercity passenger rail is more fuel efficient than automobile and air travel. The Department of Energy's Transportation Energy Data Book reports that intercity passenger rail consumes 17 percent less energy per passenger mile than airlines and 21 percent less per passenger mile than automobiles.

Amtrak and intercity passenger rail consumes less energy than automobile and air

travel. Amtrak's British Thermal Unit, (or, ''BTU,'' standard unit of energy) per passenger mile was 2,650 in 2006. This compares to the 3,264 BTUs for air travel and 3,445 BTUs for highway travel in 2006. New energy efficient equipment is further improving conservation (e.g., in addition to Acela Express trains' regenerative braking system, Amtrak has acquired new more energy-efficient Auto Train vehicle carriers and is evaluating more fuel efficient switching locomotives). Amtrak's BTU per passenger mile improved from 2,800 in 2003 to 2,760 in 2004, 2,709 in 2005, and 2,650 in 2006.

Amtrak is taking steps to further reduce its greenhouse gas emissions. After Amtrak restored electrified service to the 104–mile Philadelphia-Harrisburg line in October 2006, it replaced 9 diesel powered roundtrip trains per weekday with 12 roundtrip trains powered by electricity. Today, most of the electric power Amtrak uses between New York and Washington is generated from non-fossil fuel sources.

Madam Speaker, I reserve the balance of my time.

Mr. HELLER of Nevada. Madam Speaker, I appreciate the chairman's comments and his commitment to renewable energies.

I just want to mention, living in a district that's 105,000 square miles—and I mention that every time I get a chance to speak——

Mr. OBERSTAR. Will the gentleman yield?

Mr. HELLER of Nevada. Absolutely.

Mr. OBERSTAR. My district is 30,000 square miles. I sympathize.

Mr. HELLER of Nevada. It takes me 15 hours to get from one end of my district to the other.

So what I'm looking for, as I mentioned earlier—and I appreciate your commitment to electric cars because we're all there. The fact is I want a car that goes 300 miles and recharges in 5 to 10 minutes because if you live in Elko, Nevada and you have an electric car, it takes you 300 miles roundtrip to get anywhere. And if it takes you 6 hours to plug it in, it's certainly going to cost you more to reserve time in a hotel in order to get back. But again, I want to thank the chairman.

Madam Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6493, by the yeas and nays;

H. Res. 1311, by the yeas and nays;

H. Res. 1202, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AVIATION SAFETY ENHANCEMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6493, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6493, as amended.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 42, as follows:

[Roll No. 512]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—42

Bean
Bishop (GA)
Bishop (UT)
Boswell
Boucher
Brown-Waite, Ginny
Cannon
Carter
Cuellar
Doolittle
Everett
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hill
Hinchey
Hulshof
Hunter
Lampson
Langevin
Ortiz
Paul
Pearce
Peterson (PA)
Poe
Renzi
Rodriguez
Rush
Sanchez, Loretta
Saxton
Sessions
Sestak
Shuler
Simpson
Solis
Tiahrt
Weldon (FL)
Westmoreland
Young (AK)
Young (FL)

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE DESIGNATION OF NATIONAL GEAR UP DAY

The SPEAKER pro tempore (Mr. YARMUTH). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1311, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1311.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 1, not voting 48, as follows:

[Roll No. 513]

YEAS—385

Abercrombie	Cohen	Gonzalez
Ackerman	Cole (OK)	Goode
Aderholt	Conaway	Goodlatte
Akin	Conyers	Gordon
Alexander	Cooper	Granger
Allen	Costa	Graves
Altmire	Costello	Green, Al
Andrews	Courtney	Hall (NY)
Arcuri	Cramer	Hall (TX)
Baca	Crenshaw	Hastings (FL)
Bachmann	Crowley	Hastings (WA)
Bachus	Cubin	Hayes
Baird	Cummings	Heller
Baldwin	Davis (AL)	Hensarling
Barrett (SC)	Davis (CA)	Herger
Barrow	Davis (IL)	Herseth Sandlin
Bartlett (MD)	Davis (KY)	Higgins
Barton (TX)	Davis, David	Hinojosa
Becerra	Davis, Lincoln	Hirono
Berkley	Davis, Tom	Hobson
Berman	Deal (GA)	Hodes
Berry	DeFazio	Hoekstra
Biggert	DeGette	Holden
Bilbray	Delahunt	Holt
Bilirakis	DeLauro	Honda
Bishop (NY)	Dent	Hooley
Blackburn	Diaz-Balart, L.	Hoyer
Blumenauer	Diaz-Balart, M.	Inglis (SC)
Blunt	Dicks	Inslee
Boehner	Dingell	Israel
Bonner	Doggett	Issa
Bono Mack	Donnelly	Jackson (IL)
Boozman	Doyle	Jackson-Lee (TX)
Boren	Drake	Jefferson
Boustany	Dreier	Johnson (GA)
Boyd (FL)	Duncan	Johnson (IL)
Boyda (KS)	Edwards (MD)	Johnson, E. B.
Brady (PA)	Edwards (TX)	Jones (NC)
Brady (TX)	Ehlers	Jones (OH)
Braley (IA)	Ellison	Jordan
Broun (GA)	Ellsworth	Kagen
Brown (SC)	Emanuel	Kanjorski
Brown, Corrine	Emerson	Kaptur
Buchanan	Engel	Keller
Burgess	English (PA)	Kennedy
Burton (IN)	Eshoo	Kildee
Butterfield	Etheridge	Kilpatrick
Buyer	Fallin	Kind
Calvert	Farr	King (IA)
Campbell (CA)	Fattah	King (NY)
Cantor	Feeney	Kingston
Capito	Ferguson	Kirk
Capps	Filner	Klein (FL)
Capuano	Forbes	Kline (MN)
Cardoza	Fortenberry	Knollenberg
Carnahan	Fossella	Kucinich
Carney	Foster	Kuhl (NY)
Carson	Foxx	Lamborn
Castle	Frank (MA)	Langevin
Castor	Franks (AZ)	Larsen (WA)
Cazayoux	Frelinghuysen	Larson (CT)
Chabot	Gallegly	Latham
Chandler	Garrett (NJ)	LaTourette
Childers	Gerlach	Latta
Clarke	Giffords	Lee
Clay	Gilchrest	Levin
Cleaver	Gillibrand	Lewis (CA)
Clyburn	Gingrey	Lewis (GA)
Coble	Gohmert	Lewis (KY)
Linder	Oberstar	Shuster
Lipinski	Obey	Sires
LoBiondo	Olver	Skelton
Loebsack	Pallone	Slaughter
Lofgren, Zoe	Pascrell	Smith (NE)
Lowey	Pastor	Smith (NJ)
Lucas	Payne	Smith (TX)
Lungren, Daniel E.	Pence	Smith (WA)
Lynch	Perlmutter	Snyder
Mack	Peterson (MN)	Solis
Mahoney (FL)	Petri	Souder
Maloney (NY)	Pickering	Space
Manzullo	Pitts	Speier
Marchant	Platts	Spratt
Markey	Pomeroy	Stearns
Marshall	Porter	Stupak
Matheson	Price (GA)	Sutton
Matsui	Price (NC)	Tanner
McCarthy (CA)	Pryce (OH)	Tauscher
McCarthy (NY)	Putnam	Taylor
McCaul (TX)	Radanovich	Terry
McCollum (MN)	Rahall	Thompson (CA)
McCotter	Ramstad	Thompson (MS)
McDermott	Rangel	Thornberry
McGovern	Regula	Tiberi
McHenry	Rehberg	Tierney
McHugh	Reichert	Towns
McIntyre	Reyes	Tsongas
McKeon	Richardson	Turner
McMorris Rodgers	Rogers (AL)	Udall (CO)
McNerney	Rogers (KY)	Udall (NM)
McNulty	Rogers (MI)	Upton
Meek (FL)	Rohrabacher	Van Hollen
Meeks (NY)	Ros-Lehtinen	Velázquez
Melancon	Roskam	Visclosky
Mica	Ross	Walberg
Michaud	Rothman	Walden (OR)
Miller (FL)	Roybal-Allard	Walsh (NY)
Miller (MI)	Royce	Walz (MN)
Miller (NC)	Ruppersberger	Wamp
Miller, Gary	Ryan (OH)	Wasserman Schultz
Miller, George	Ryan (WI)	Waters
Mitchell	Salazar	Watson
Mollohan	Sali	Watt
Moore (KS)	Sánchez, Linda T.	Waxman
Moore (WI)	Sarbanes	Weiner
Moran (KS)	Scalise	Welch (VT)
Moran (VA)	Schakowsky	Weldon (FL)
Murphy, Patrick	Schiff	Weller
Murphy, Tim	Schmidt	Westmoreland
Murtha	Schwartz	Wexler
Musgrave	Scott (GA)	Whitfield (KY)
Myrick	Scott (VA)	Wilson (NM)
Nadler	Sensenbrenner	Wilson (OH)
Napolitano	Serrano	Wilson (SC)
Neal (MA)	Shadegg	Wittman (VA)
Neugebauer	Shays	Wolf
Nunes	Shea-Porter	Woolsey
	Sherman	Wu
	Shimkus	Yarmuth

NAYS—1

Flake

NOT VOTING—48

Bean	Hare	Reynolds
Bishop (GA)	Harman	Rodriguez
Bishop (UT)	Hill	Rush
Boswell	Hinchey	Sanchez, Loretta
Boucher	Hulshof	Saxton
Brown-Waite, Ginny	Hunter	Sessions
Camp (MI)	Johnson, Sam	Sestak
Cannon	LaHood	Shuler
Carter	Lampson	Simpson
Cuellar	McCrery	Stark
Culberson	Murphy (CT)	Sullivan
Doolittle	Ortiz	Tancredo
Everett	Paul	Tiahrt
Green, Gene	Pearce	Young (AK)
Grijalva	Peterson (PA)	Young (FL)
Gutierrez	Poe	
	Renzi	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1907

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRESSIONAL BASEBALL GAME

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute.)

Mr. BARTON of Texas. Mr. Speaker, last Thursday evening, at Nationals Stadium, we had the 47th Annual Congressional Baseball Game. The true winners of the game were the Washington Literacy Council and the Boys & Girls Clubs of the Washington, D.C. area.

In terms of the score on the field, in the most thrilling game that I have been associated with in the last 21 years that I have played, coached or managed, in the bottom of the seventh with the bases loaded and one out and the Democrats leading 10–9, CONNIE MACK hit a dart back to the pitcher, Mr. BACA, who threw home for a force out making two outs. And then unfortunately for my friends on the Democratic side, the catcher overthrew the first baseman allowing two runs to score, the winning run by the speedy ADAM PUTNAM of Florida for a thrilling 11–10 victory. Our MVP on the Republican side was KEVIN BRADY of The Woodlands, Texas.

The class of 1996, which includes KEVIN BRADY, MVP; KENNY HULSHOF, who was our first baseman, CHIP PICKERING; the third baseman; JEFF FLAKE, center fielder; VIRGIL GOODE, right fielder; TOM DAVIS, one of our tricaptains; PETE SESSIONS, our third-base coach; and SAM GRAVES who was a pinch runner and hitter, those players in the 12 years that they have played in the game have an 11–1 record, which I think is amazing.

I want to thank Speaker NANCY PELOSI for attending the game, Majority Leader STENY HOYER for attending the game, and I want to thank my good friend, MIKE DOYLE, for his excellent job of managing. It can truly be said that this year, the Democrats had victory in their grasp and took pity on us and allowed us to win one more time.

Mr. DOYLE. Will the gentleman yield?

Mr. BARTON of Texas. I will be happy to yield.

Mr. DOYLE. Mr. Speaker, as manager of the Democratic team, we want to congratulate our friends over on the Republican side in what had to be one of the most exciting games, certainly for the fans to watch, a little less exciting from our perspective. I just want to say our guys, the top of the seventh inning, we were down 8–4, and it was our last at-bat. And it would have been easy to fold. But our guys came back, scored six runs to put this game into the bottom of the seventh inning in one of the most exciting games we've seen. I think parity has finally arrived in the House baseball game.

We look forward to playing our friends across the aisle next year.

The big winner, of course, is our charities, the Washington Boys & Girls

Clubs and the Washington Literacy Council. We have co-MVPs this year. JOE BACA pitched another outstanding performance for the Democrats. And one of our new Members, who caught an outstanding game and who had a hot bat for us, CHRIS MURPHY, was our co-MVP.

Once again, if you have to lose to somebody, JOE BARTON is the kind of guy you don't mind losing to. He is a great gentleman, a big fan of the game and one of my dear friends.

Congratulations, JOE. Congratulations to the Republicans.

Mr. BARTON of Texas. Thank you.

I will say, Mr. Speaker, that with our retirements, I am now open, assuming I am the manager, I would love to have some new blood. If there are some Democrats who didn't get playing time, if you want to switch parties, we are open for business. And to TOM COLE at the NRCC, please, please recruit us some new flat bellies.

Mr. DOYLE. Will the gentleman yield?

If we're going to have so many new players next year, we might have some extras for you.

Mr. BARTON of Texas. Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL GUARD YOUTH CHALLENGE DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1202, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1202.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 46, as follows:

[Roll No. 514]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—46

Bean
Bishop (GA)
Bishop (UT)
Boswell
Boucher
Brown-Waite, Ginny
Cannon
Carter
Cole (OK)
Cuellar
Diaz-Balart, M.
Doggett
Doolittle
Everett
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hill
Hinchey
Hulshof
Hunter
Kilpatrick
LaHood
Lampson
McCrery
Ortiz
Paul
Pearce
Peterson (PA)
Poe
Price (GA)
Renzi
Rodriguez
Rush
Sanchez, Loretta
Saxton
Sessions
Sestak
Shays
Simpson
Tiahrt
Waters
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1919

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAYS. Mr. Speaker, on July 22, 2008, I missed 1 recorded vote.

I take my voting responsibility very seriously. Had I been present, I would have voted "yea" on rollcall No. 514.

CERTIFICATION THAT EXPORT TO CHINA OF CERTAIN LISTED ITEMS IS NOT DETRIMENTAL TO U.S. SPACE LAUNCH INDUSTRY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–135)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export of 22 accelerometers for incorporation into railway geometry measurement systems and one 20-inch fluid energy mill for production of nutritional supplements is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports,

will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 22, 2008*.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Con. Res. 362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the week.

NATIONAL ENERGY SECURITY INTELLIGENCE ACT OF 2008

Mr. RUPPERSBERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6545) to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Energy Security Intelligence Act of 2008''.

SEC. 2. NATIONAL INTELLIGENCE ASSESSMENT ON ENERGY PRICES AND SECURITY.

Not later than January 1, 2009, the Director of National Intelligence shall submit to Congress a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs. Such assessment shall include an assessment of—

(1) the short-term and long-term outlook for prices, supply, and demand for key forms of energy, including crude oil and natural gas, and alternative fuels;

(2) the plans and intentions of key energy-producing and exporting nations with respect to energy production and supply;

(3) the national security implications of rapidly escalating energy costs;

(4) the national security implications of potential use of energy resources as leverage against the United States by Venezuela, Iran, or other potential adversaries of the United States as a result of increased energy prices;

(5) the national security implications of increases in funding to current or potential adversaries of the United States as a result of increased energy prices;

(6) an assessment of the likelihood that increased energy prices will directly or indirectly increase financial support for terrorist organizations;

(7) the national security implications of extreme fluctuations in energy prices; and

(8) the national security implications of continued dependence on international energy supplies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. RUPPERSBERGER) and the gentleman from Michigan (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. RUPPERSBERGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 6545.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Louisiana (Mr. CAZAYOUX) for sponsoring this important and timely piece of legislation. Gas prices are at a record high at more than $4 a gallon. As a result, the price of our everyday needs are going up as well. Things like food and consumer goods need to be transported long distances before they reach store shelves in our neighborhoods. Moreover, high fuel costs strain our military operations and increase the taxpayer dollars required to move our troops, ships and planes around the world.

The recent escalation in prices serves as a reminder of the fact that the United States relies on the global energy market. About 65 percent of our oil is imported from other countries, and the price of oil fluctuates with global events. Although much of the oil we import comes from Canada and Mexico, our western hemisphere allies, our oil consumption impacts the global oil market. Many other oil-producing countries are hostile to the United States and are plagued by corruption or instability. The list of the top ten holders of oil reserves includes Iran, Iraq, Venezuela, Russia and Nigeria. For the past few years, 20 to 30 percent of Nigeria's oil output has been disrupted by rebel attacks; Iraq's production hovers below pre-invasion levels and is by no means stable; and Iran's nuclear activities have raised concerns around the world.

In addition, over the past few years global oil reserves have declined while global demand for oil has increased. Some estimate that global demand will increase by 46 percent over the next 25 years. If supply cannot keep pace with demand, the market becomes increasingly volatile and disruptions have a much greater effect.

We must understand the national security implications of the global energy market. Some countries are beginning to use energy as a leverage to achieve their foreign policy goals. For instance, 40 percent of the world's oil flows through the Strait of Hormuz in the Persian Gulf. Would Iran try to block the Strait of Hormuz in the event of a foreign policy crisis? The Intelligence Committee should analyze the impact of such a crisis.

The National Intelligence Assessment required by this legislation will allow the intelligence community to work with the best minds in the country, from academia to industry, much like the National Intelligence Assessment on global climate change. The intelligence community will collect data from various sources and then assess the geopolitical aspects.

I also note that the report required by this bill is the same one that would have been required in the motion offered by the ranking member of the Intelligence Committee last week. However, the form in which he offered it would have killed the entire intelligence authorization bill. Unfortunately, when asked, he refused to agree to allow the House to simply adopt this amendment on the spot which would have saved the bill. That forced Members into the uncomfortable position of choosing this report over authorizing full funding and other critical legislation that our intelligence agencies need to do their jobs of keeping us safe.

I am pleased that we passed the intelligence authorization last week, and I will vote to support this legislation. This report will be an important tool for policymakers to understand the current energy crisis and plan for the future. I urge my colleagues to vote for the bill.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the renewed enthusiasm for this issue, and I can't tell you how important I think it is. Energy today is a national security issue, and it is incredibly important that we have a full understanding of what the money that we send every single day overseas is doing to our enemies, how it is fueling their ability to do things like buy weapons, improve weapon systems and do other things.

I was struck by one portion of the bill and would make an inquiry to the bill's sponsor, that you made a difference between the National Intelligence Estimate and the National Intelligence Assessment. I am curious why you chose National Intelligence Assessment versus the National Intelligence Estimate on this particular issue.

I yield to the gentleman from Louisiana to respond.

Mr. CAZAYOUX. As you know, I guess, in an assessment you can consult outside sources where an estimate you cannot. We thought it would be a more comprehensive report as an assessment.

Mr. ROGERS of Michigan. Reclaiming my time, that's interesting.

Mr. RUPPERSBERGER. Would the gentleman yield?

Mr. ROGERS of Michigan. Sure.

Mr. RUPPERSBERGER. Just to answer that question, it was the language chosen by Ranking Member HOEKSTRA.

Mr. ROGERS of Michigan. And I understand that. And I think the gentleman from Louisiana misstated, it is not because it is the most accurate report, it is because it is based on open-source information and something that we could use to project versus the actual intelligence estimate which is more narrow in scope and used confidential, and as you know, classified sources of information.

And I ask the question because I have to be honest, I am very disappointed with my friends this evening on an issue that I think is so important. You know, there is a reason, I think, that we have a 9 percent approval, the lowest this Congress has ever registered. And it is for issues exactly like this.

We stood up in good faith last week. As a matter of fact, Mr. HOEKSTRA introduced this very bill word for word, and then we offered it, the same bill, in a motion to recommit. And this is policy, and we won't spend much time on it, but I have to note that I just think this is an awful way to do business here, and I think the 110th Congress has really sunk to new lows.

There was no reason that you couldn't have picked up the phone and talked with Mr. HOEKSTRA about a bill that he introduced and pioneered to deal with a most serious issue. As a matter of fact, one of the speakers today actually voted against the bill in its form, but today there is a renewed enthusiasm that we are going to pass this bill.

Mr. HOYER. Would the gentleman yield?

Mr. ROGERS of Michigan. I yield to the distinguished majority leader.

Mr. HOYER. I thank my friend for yielding, and I thank the gentleman from Louisiana for his leadership, and I thank Mr. HOEKSTRA for his excellent idea.

As you will recall on the floor, I indicated we would adopt it immediately on the spot if he would agree to a unanimous consent request to strike the ''promptly'' and insert ''forthwith'' so that we would not, in adopting Mr. HOEKSTRA's good idea, kill the bill. He rejected that idea, at which point in time I made the representation that we will introduce that bill as a suspension and bring it to the floor next week.

I tell my friend, that is exactly what we have done. Mr. HOEKSTRA made a determination, very frankly from my perspective, that he was more interested in trying to politically put some people on the hook for a vote on a proposition that he knew and we knew they were for but they did not want to kill the Intelligence bill in the process.

Now people will say it doesn't kill the bill, that is accurate, but it clearly delays the bill. There was no reason to delay the bill because had Mr. HOEKSTRA agreed, contrary to the advice he was receiving, to yes, I will strike ''promptly,'' insert ''forthwith'' so that my proposition can be adopted immediately, which would have been the case.

□ 1930

So I think any criticism of sinking to a new low, very frankly, if politics had not been played with this proposition, it would be on the authorization bill to the Senate as we speak. This proposition, which Mr. HOEKSTRA came up with, as you recall I said on the floor, we think this is a good idea. Proving that we thought it was a good idea, we have brought it to the floor today for passage.

Mr. HOEKSTRA, who I now see is on the floor, made a determination he did not want to adopt, in the way that we suggested, his proposition last week. So we are going to adopt it this week.

I would hope that all of us would vote for it, because, as I told Mr. HOEKSTRA then and believe now, Mr. HOEKSTRA's idea was a good idea. It is a good idea. We are going to pass it, hopefully, tomorrow morning by an overwhelming majority vote.

I thank the gentleman for yielding.

Mr. ROGERS of Michigan. You are very welcome, sir. To the distinguished Member, I am reclaiming my time.

The only real problem with the bill last week was that there was a Republican and not a Democrat. You know what, I say okay. If that's the way this is going to be, I say okay.

Ronald Reagan had a very interesting plaque on his desk, and it said, ''It's amazing what you can get done if you don't care who gets the credit.'' So I am going to offer this tonight, Mr. Distinguished Majority Leader, and then I will let you respond.

We hope that because of this new spirit of great ideas, but it has to be a Democrat idea, I am for that too, because I am more concerned about $4 a gallon gasoline and people not being able to make it.

So I offer this suggestion, and I will offer this deal tonight, H.R. 3089, please take it. It opens up ANWR and OCS and builds more refineries here in the United States. It's yours. We'll bring it over word for word and let you put a Democrat on it. Let's get it done.

H.R. 2279, which builds new refineries on military bases. Please, take this bill, help those people who are suffering under $4 a gallon gasoline. I'll bring it over, word for word. Put your name on it. We'll get it done.

H.R. 5656, which repeals the ban on coal-to-liquids as an aviation fuel. Please, for the people who are stopping to go to their children's away games because they can't afford over $4 a gallon gasoline, take this bill, please. I will bring it over, word for word, it's yours.

H.R. 2208, which provides incentives for the development of coal-to-liquids, please, take the bill. Put your name on it. We'll vote for it. Put it on suspension. We're in.

H.R. 2493, which eliminates expensive and wasteful boutique fuel blends, which is costing Americans real money out of their paychecks. Their food prices are going up. We have volunteer firefighters who no longer can afford to respond to fires in very remote areas of places like Michigan and Texas and, yes, even Louisiana. Please, take the bill. Put a Democrat on it. Call a sponsor, we'll give it to you word for word.

H.R. 6107, it opens up the coastal plains of Alaska, which we know will directly have an impact on the cost of fuel and bring down those prices of people who can't afford over $4 gasoline today.

H.R. 6108, which opens up our deep oceans as an energy resource. My legislation, H.R. 6161, which will spur the development of clean cars and invest in nuclear power. I give you the bill today, it's mine, it's yours. I'll give it to you. Take it. Put it on suspension.

My complaint here is this. There has been a lot of nothing happening on it. If you are trying to tell the American people you are for lessening their burden at the pump, which is literally killing small towns all across America, then let's do something about it. If it's just the fact that Republicans are on these bills, we give you all of them, every single one of them. Let's do this together, so the people who are paying the pain at the pump get some relief.

Now, this bill is pretty serious, I think, and I believe the reason we need this American-made energy plan, and that this helps us understand what the impact of those oil dollars flowing overseas every single day, and every day that we don't do something, means that we are a little bit in danger, is serious. That's why we are going to support this bill. We don't care if your name is on it. We really don't.

We just want to point out we don't care if your name is on all the bills that do the right thing. Every day, think of this, every single day, we send $840 million to OPEC. We send $191 million to Saudi Arabia. This is as of April. We send $155 million to Venezuela, $52 million to Russia.

Energy is a critical issue, and it's one that we should focus the intelligence community's efforts on. We shouldn't divert our intelligence resources to global climate change, as my colleagues have suggested. It doesn't have a real impact for what we know is fueling our very enemies' ability to buy missile systems, to upgrade their nuclear arsenals, to invest in their conventional forces, and people like Hugo Chavez, spending money, as has been reported in public newspapers, on submarines. We all certainly know what his intentions are with that, with American shipping so close to the coast.

Focusing our intelligence resources on energy security would make clear to the American people that our priorities are focused in the right place again. The press has also reported that Hugo

Chavez has supported the FARC, a terrorist organization that operates in Colombia. Wouldn't it make sense to track the rising oil prices, which results in greater income to Chavez's now nationalized oil companies, and to assess whether these funds are being used to collude with terrorist organizations? Is it merely coincidence that Chavez has reportedly traveled to Russia today to buy arms in the wake of rapidly rising oil prices? I think we all know the answer to that. It's helpful to have the intelligence resources focused on that very serious problem.

We need to have a better idea of how rapidly escalating energy costs are directly or indirectly increasing funds available to terrorist organizations so that this Congress can make informed decisions about the policy going forward. If there is a direct or even an indirect correlation between rising energy prices and increased financial support to terrorist organizations, we need to know, and we need to take action.

What are the security implications of Iran leveraging energy resources against the United States? Iran is the world's fourth largest producer of crude oil and as oil prices continue to rise, we must consider the potential for Iran to leverage energy resources and the potential effects of such actions.

These are questions our intelligence professionals should be analyzing and answering. We have done a lot of things here. We have played a lot of games. I think there was even a bill last week they called the DRILL Act. It stuns me a little bit. There was actually no drilling in the bill.

We need to have an honest discussion, not only with ourselves, but with the American people. We haven't really done that. Every day, it presents a national security issue that we spend about $1 billion a day overseas to people who want to do us harm, every single day.

Every day that we don't open up our own American-made energy resources, shame on us. We are just only adding fuel to what we will have to deal with in one way or another.

In addition to the economic aspects of having increased domestic energy supply here in America that frees us up, provides jobs here at home, and provides energy security and reduced prices and makes us competitive in a worldwide market when we are talking about the competitiveness of energy prices, and the manufacturing of goods here in the United States. The greatest thing of all, if you do a comprehensive package that includes conservation and alternative energy, and American-made and American-drilled oil, it means that we walk away from the ability to have to send $1 overseas. The sad part is, it's doable. It's absolutely doable.

We really don't need the intelligence community to come back and tell us this. We know it, but I am strongly encouraging us to support this bill, because maybe if it's coming from the intelligence community and says, hey, folks in Congress, you have a problem, you better do something about it, I am going to be for it. I don't care if it has a Republican name on it or a Democrat name on it. As I have said before, we have got a whole list of great bills we are willing to walk over and have you sponsor as soon as we can possibly get the ink to dry.

Mr. Speaker, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, may I ask how much time is left, please.

The SPEAKER pro tempore. The gentleman from Maryland has 17 minutes.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

First, I understand the issues that my friend from the Intelligence Committee has raised. I just want to point out that this issue we have with the oil crisis and energy crisis did not occur in the last couple of years. This administration has been in office now close to 7½ years, and this is a policy we should have started 8 years ago. And now we are attempting to resolve it.

I want to respond to one of your issues, though, about the drilling. The oil companies should explore the more than 68 million acres of Federal land that we have already leased to them. It just boggles my mind, this has not been used.

But maybe I found a reason why they don't want to do this. In today's Baltimore Sun, July 22, an Associated Press article, Big Oil Big on Dividends and Buybacks, and this is a quote: ''Giant oil companies such as ExxonMobil and ConocoPhillips are set to report what will probably be another round of eye-popping quarterly profits. Which raises the question: Just where is all that money going?

''The companies insist they're trying to find new oil that might help bring down gas prices, but the money they spend on exploration is nothing compared with what they spend on stock buybacks and dividends.

''It's good news for shareholders, including mutual funds and retirement plans for millions of Americans, but no help to drivers making drastic cutbacks to offset high fuel bills.

''The five biggest international oil companies plowed about 55 percent of the cash they made from their businesses into stock buybacks and dividends last year, up from 30 percent in 2000 and just 1 percent in 1993, according to Rice University's James A. Baker III Institute For Public Policy.

''The percentage they spend to find new deposits of fossil fuels has remained flat for years, in the mid-single digits.''

Is this why we are not drilling, they are not drilling the 68 million acres? Based on this article, and based on the evidence before us, they have not drilled. They have improved their profits. They have done it for their stockholders, but it has hurt the American public as a result of that policy.

Mr. Speaker, I would now yield 5 minutes to the gentleman from Louisiana (Mr. CAZAYOUX) the sponsor of H.R. 6545, the National Energy Security Intelligence Act.

Mr. CAZAYOUX. Thank you, Mr. RUPPERSBERGER.

Mr. Speaker, I rise in support of H.R. 6545, the National Energy Security Intelligence Act of 2008. This bill will task the Director of National Intelligence to provide to Congress accurate and timely information on the effect of the current energy crisis on national security.

Since I joined Congress almost 3 months ago, there has been a lot of discussion in this body about energy supply, energy prices, how our energy needs affect our place in the world and what effect worldwide demands for energy have on America.

I introduced this legislation so that we will have a better understanding of these critical issues. This was an idea that was discussed last week during the vote on the Intelligence authorization bill, which was just referenced, which I voted for. In fact, this would have already been passed if not for the choice of wording on the motion to recommit in politics, but a good idea is a good idea. I, along with my colleagues, who supported me on this legislation, thought this was important enough to bring it up for a vote.

This bill will require the DNI to submit to Congress no later than January 1, 2009, a national intelligence assessment on the national security implications of rapidly escalating energy costs and the short and long-term outlook for prices, supply and demand for energy sources like crude oil, natural gas and alternative fuels.

In addition to better understanding our short-term and long-term energy situation, the report will also examine the geopolitical consequences of our dependence on foreign energy sources, especially in regards to the relationship between the U.S. and adversarial oil-producing nations.

Specifically, the report asks for an assessment of plans and intentions of key energy-producing and exporting nations with respect to production and supply. It will address the national security implications of potential use of energy resources as leverage against the U.S. by Venezuela, Iran, and other potential adversaries as a result of increased energy prices.

This assessment will also analyze whether increased energy prices will directly or indirectly increase financial support for terrorist organizations.

I believe this report is important, and I urge its passage by my colleagues. There are no two issues more current and more salient than our energy situation and our national security. Additionally, there are few other issues as intertwined and interconnected as energy and national security.

By conducting this national intelligence assessment, we will have a better understanding of how our long-term

energy needs will affect our national security. This report is needed and will help lawmakers and officials develop sound policy on these critical issues.

Mr. ROGERS of Michigan. Mr. Speaker, I have the greatest respect for my friend from Maryland. I enjoy his service on the Intelligence Committee, but I think we have had this debate before. I can't tell you, you are a great guy but how wrong you are on this one.

You know, you talked about Big Oil. Let's all be mad at Big Oil. I am mad at Big Oil. I have friends who run small stores who literally have had tears in their eyes because the fuel costs don't allow them to do deliveries of food, deliveries of flour for what they used to do.

I know mid- and small trucking firms who have had to actually park their trucks, because anything over $4 takes away all their margin. This is hurting the poorest Americans first, the middle class second, and, beyond that, people are adapting. But the folks who have played by the rules are getting killed with these oil prices, these gasoline prices.

□ 1945

So what you are telling me is you are mad at them. You say they are not drilling on any of the leases. Not true, they have got 4,700 onland leases. But they are telling us, this is where we know the oil is. Please let us get it.

And we said, no, we are mad at you because you are making money because oil is $145 a barrel.

Okay. I am mad at them too. But every day that you stay mad and you don't take action means that we send $840 million to OPEC every day. That really makes me mad.

How about $191 million to Saudi Arabia? What should that be doing to you?

How about $155 million to Venezuela, Hugo Chavez, who we know is in collusion with the Iranians, who we know is investing in munition plants, who we know, by press reports, is buying submarines to intimidate U.S. shipping, who we know is buying munitions for the FARC in Colombia. We finally have them at rope's end, and we don't care that we are going to fund them through this sham of a government in Venezuela?

Or the $52 million we sent to Russia. And by the way, they are retrofitting their nuclear missile systems that are targeted at the United States. And they couldn't do it before. Just a few years ago they couldn't afford to do it, we had to give them money to dismantle their nuclear program. And because oil is at $145 a barrel because we refuse to increase the supply in the world, they are going to go out and buy missile systems targeting us.

It is crazy, it is madness, and we can do something about it. If you are mad at oil companies, increase the supply of oil and watch the prices fall. That is the best way to get them. And guess who benefits? The single mom who is right now trying to debate if she can keep that job because it is a little bit too far at $4.19 a gallon in my hometown. I have talked to those people and they are at wits' end.

We have to stop this. I said, we don't care if it is Republican or Democrat. And if that has been the concern, quite obviously tonight maybe that was the big issue. We again, I will offer again, you can have every bill that we have; I will bring it over, to stop sending money to foreign oil overseas at the expense of our people at the pump.

You can bring up Big Oil all night long. You can be mad at them, you can tax them, you can try to regulate them, but you and I both know that prices aren't going to go down at the pump for any of those causes. They will if we have an American-made domestic supply that actually impacts the world market and starts bringing prices down.

I'm going to plead with all of you for those people who don't have a voice and they don't have fancy lobbyists and they can't afford to fly to Washington, DC because they are barely making it right now, please, let's have an American-made energy supply that keeps Americans alive, keeps them employed, has an impact on our national security, has an impact on our economic security, and the best benefit of all, it takes care of our environment in the process, because what we are proposing is conservation, alternative energy and American-made sources of energy, including oil. And there is more conservation in our bills than there is production. Who isn't for that?

I haven't heard any discussion of nuclear with zero emissions. You talk about sun, solar and wind. That is great. But that, in and of itself, won't do it.

Take our comprehensive bills, the all-of-the-above energy plan. Take it all. Get it done. Make a difference for the future generations of America. We will all stand up together and celebrate.

I reserve the balance of my time.

Mr. RUPPERSBERGER. I yield myself such time as I may consume.

I want to respond to my good friend, who I respect. Former law enforcement.

I am not mad at the oil companies. I am disappointed in the oil companies on behalf of the American people.

I think you have talked about where we buy our oil. It seems to me that this administration has been in office for about 7½ years, have set the oil policy, and now we are paying for it. And we are attempting to do whatever we can on this side of the aisle to resurrect it.

And to come up with an issue of drill, drill, drill. We keep saying, and the facts are there, we have 83 million acres that the oil companies have under license, and they have not chosen to put money into the drilling of those 83 million acres, both onshore and offshore. That is number one.

What really concerns me, and what I am upset about though is the fact that we, this Congress, when the Republicans were in the majority, that we gave oil companies billions of dollars of grants to do research. And yet I haven't seen any of that money go to drilling or doing what you are suggesting that we should do now.

What I see is what I read in that article in the Sun paper about the fact that the oil companies are making outstanding, the highest profits they have ever made in their history. And you know why? Because they are putting the money, the grants that we gave them, the American dollars, not in to drilling and trying to help bring the oil prices down, but to the bottom line of their stockholders and also to really having the American people suffer because of that strategy.

So I would just say that this is an issue we must move forward with. We are talking about drilling when this is an intelligence bill, and we should stand behind this bill, as Americans, as Republicans and as Democrats.

Now I yield 3 minutes to my friend from Rhode Island, Congressman KENNEDY.

Mr. KENNEDY. I just want to thank the gentleman for yielding. I wanted to mention the point about whether it didn't matter whether the big oil companies were really making a profit or not making a profit, whether they were using their profits right for good or not, or reinvestment or not.

I just want to make it really clear what they actually are doing, just to correct any misperceptions and to clarify what has already been said by my good friend, Mr. RUPPERSBERGER, from Maryland.

Last year oil companies made 286 percent profit. Domestically, in this country, they cut capital reinvestment by 11 percent. So if you make money, usually, as a business, you reinvest in your capital and infrastructure so that you can go on and make more money.

This is a unique business. Not only do they take their profits, but they don't reinvest it in the business, even though they know they are coming to a point where they are going to be in a limited supply mode, or they should be thinking that somewhere down the line they might be. But of course, they don't care because they have an incentive to keep oil prices high right now.

So this notion that there is some incentive for them to go out there and take their profits and go explore, and that we shouldn't be harping on them for going out there and doing what they already are doing, they aren't doing it. That is why we are trying to make them do it, because they are not doing it.

This notion that they are already out there exploring all these things is nonsense. They cut their domestic exploration by 11 percent last year. That is nonsense that they have actually been out there exploring these leases.

How can you take home 286 percent profit and say that you made an honest attempt at finding oil in this country? You haven't made an honest attempt.

So the fact of the matter is, they are to blame when you take home that kind of money and you leave Americans out in the cold and you leave Americans high and dry because of these high gas prices. And that is where the blame should be is on big oil.

And the blame should be the administration. Where was DICK CHENEY when he had his energy meeting at the beginning of the administration?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUPPERSBERGER. I yield the gentleman an additional 30 seconds.

Mr. KENNEDY. For all we know, DICK CHENEY had a bunch of oilmen, along with the President, who is also an oilman, in a meeting and they said, let's think about how we are going to drive up the price of oil over the course of President Bush's presidency so that we all make millions and million of dollars, because certainly that is the way it has worked out. And DICK CHENEY and President Bush, two oilmen, and all of their rich oilmen friends from Texas have certainly made millions and millions of dollars while they have been in office.

Mr. RUPPERSBERGER. How much time remains on each side?

The SPEAKER pro tempore. The gentleman from Maryland has 6½ minutes. The gentleman from Michigan has 2 minutes remaining.

Mr. RUPPERSBERGER. I reserve.

Mr. ROGERS of Michigan. Well, I gave a good chunk of my time to the majority leader, and I was going to do that. I know if I run over, you will give me a little bit of that time back. I won't be long.

I think we have certainly debated this. If you are mad or you are disappointed, and I am very disappointed with the remarks from the gentleman. To accuse somebody of something like that is, well, I won't even get into it and I will tell you why, because we have in the power of our hands in Congress to fix this through conservation, through alternative energy research and through an American-made energy plan.

Mr. KENNEDY. You cut the budget for conservation.

Mr. ROGERS of Michigan. I would like some regular order, sir.

What we are talking about is conserving energy to get ourselves off foreign oil that actually has an economic impact, a positive economic impact.

The statistics you made up from the oil companies I have never heard them before. They are absolutely outrageous. And who cares? I am mad at them, so let's do something about it. Let's do a conservation, alternative energy and American-made oil so that we can stop punishing the very people who are struggling to make it every day.

You can be disappointed and mad and kick the chair and say we hate them, and that is great. It doesn't do anything for somebody who is paying more for milk or bread or gasoline.

I would request unanimous consent for an additional 30 seconds.

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). The gentleman from Michigan will address his remarks to the Chair.

Mr. RUPPERSBERGER. I yield an additional 30 seconds to my friend.

Mr. ROGERS of Michigan. Again, we can be mad. We can kick. We can scuffle. The most important people in this debate aren't being heard right now. Americans back home are saying help us out. Give us an American-made energy plan. Give us conservation. Give us alternative energy. All of those things are in the bills we are willing to give you tonight.

I would hope and urge, for the very pressure that is being put on those families, we would stand united, with your name on the bills, and take care of those people, because right now they are at the back end of the heel, and all they hear is their disappointment in a very, very, very inactive Congress on the issues that matter to them the most.

I yield back the remainder of my time.

Mr. RUPPERSBERGER. I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. The President has an opportunity now to release the Strategic Petroleum Reserve. We have billions and billions of barrels of oil buried in this country that we have been burying for over 3 decades since the energy crisis in the 1970s in case of an emergency.

The President says this isn't an emergency. I don't know where he is living, but it is an emergency in my district. He should release 10 percent of the Strategic Petroleum Reserve, burst the speculative bubble on oil, bring the prices down, bring relief to our consumers, and use the profits of that to help generate the proceeds to fuel the costs that are going to be incurred by investing in this renewable energy technology that the gentleman is speaking about, which, by the way, the Republicans completely cut the funding for every year that they ran this House. They cut this technology by 23 percent on average. And I am on the Appropriations Committee and I know that for a fact.

Mr. RUPPERSBERGER. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 5 minutes remaining.

Mr. RUPPERSBERGER. I will close.

First, I thank the gentleman from Louisiana and the other sponsors of H.R. 6545 for introducing this important piece of legislation.

Energy and the availability of fuel affects every aspect of our lives. It impacts our security. It impacts our economy, and it impacts our wallets. We need the best information available and the best analysis possible on energy security. The intelligence community is in a unique position to give it to us.

I urge all my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. RUPPERSBERGER) that the House suspend the rules and pass the bill, H.R. 6545.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUPPERSBERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mr. REYES. Mr. Speaker, I am pleased that we are able to consider this legislation today. H.R. 6545, the National Energy Security Act is an important proposal to ensure that policymakers get a comprehensive analysis of the way our national security and energy security are affected by rising energy costs.

I applaud the gentleman from Louisiana for introducing this bill, and believe that is the right way to address this proposal. Last week, the ranking member of my committee proposed this idea. But his motion made it clear that this was just a tactic to de-rail the intelligence authorization bill. I said that this report was a good idea, and that we deserve to know the information that this bill requires. But I could not agree to the form of his request then because it would have sent the bill back through the committee process, effectively killing this bill, and would have denied critical funds that the men and women in the intelligence community need to uncover and disrupt terrorist plots—funds that he agreed were crucial to our national security.

I hope that the House will pass this proposal now. It is important for us to understand the energy security implications of rising prices. I would note that the intelligence community has already done some work in this area. Last March, the intelligence community produced an unclassified report called, ''Energy Security Dynamics Transforming International Politics'', which covered some of the issues in this bill, but that report was not at the same level of rigor and coordination as the assessment required by this bill.

This National Intelligence Assessment will provide a short-term and long-term assessment of the outlook for prices, supply, and demand for key forms of energy. The intelligence community can help us understand the plans for production and supply of energy sources from key energy-producing and exporting nations. It can also help us understand how potential adversaries who are energy suppliers will use dollar diplomacy or energy supply as leverage to achieve their goals. We also need to understand whether increased energy prices are going to fund terrorists. The format of this report will allow the intelligence community to consult with the best minds in industry and academia.

I would also note that this assessment is similar to one on the national security implications of global climate change that was included in last year's House-passed version of the intelligence authorization bill. We received that report last month, and the intelligence community management subcommittee held

an excellent hearing on it. Both energy security and global climate change have serious implications for national security. But both energy security and global climate change require solutions that cannot be solved by our military or intelligence community. The next President will have to deal with these challenges, and deserves the best judgment of our intelligence community.

This bill ensures that the next President will have that advice. I urge my colleagues to adopt the resolution.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 6545, the National Intelligence Assessment of Energy Security Act. This bill would require the National Intelligence Director to submit to Congress a national intelligence assessment on the national security and energy security issues related to energy costs.

Our national security is threatened by our dependence on foreign countries that do not share our views on democracy or our commitment to combat radical Islamist terrorists. By relying on oil from OPEC in the Middle East and countries like Venezuela and Nigeria, we place our national security in the hands of authoritarian governments.

I believe our energy policy should be a bipartisan approach that reduces our demand by increasing conservation, including getting better mileage from cars, minivans, SUVs and trucks, and making electric appliances and lighting more energy efficient, increases the use of renewable fuels such as solar, wind, geothermal and biofuels, reduces speculation in the oil futures market, and increases our domestic supply of oil, natural gas and nuclear power.

The national intelligence assessment required under this bill will show us the national security threats likely to increase should a long term, bipartisan plan not be implemented.

It is critical we understand the consequences of our increasing energy demand and take strong action to reduce our dependence on foreign oil.

Well over half of our energy derived from oil and natural gas comes from foreign producers. Our energy consumption not only fuels our homes, our transportation and our industry, but also transfers our wealth to countries and foreign interests that would do us harm. Our national security requires us to be energy independent, and I urge support of H.R. 6545.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 6545, the National Energy Security Intelligence Act of 2008, introduced by my distinguished colleague from Louisiana, Representative DON CAZAYOUX. This legislation is an important step in ensuring that rising energy costs do not endanger American lives.

It is obvious that the steep incline in energy prices that has been plaguing our citizens cannot be tolerated much longer, as it has led to rising food costs, transportation costs, and inflation. In addition to these economic issues, energy prices also negatively impact national security.

One key step in managing this situation is assessing the future supply and demand for crude oil, natural gas, and alternative fuels. By doing so, we limit the unpredictability of the energy market and its impact on daily lives. This will prevent energy and food crises like the one we are currently experiencing from occurring in the future.

Additionally, investigating the effects that rapidly escalating energy costs and extreme price fluctuations could have on national security is absolutely crucial. The possibility of energy sales being used to fund terrorist organizations or other adversaries of the United States, cannot be ignored. Americans cannot allow the money we spend on travelling to work or school everyday to end up in the hands of those who mean us harm. This is why we must know the implications of increasing funding through energy revenue to potential adversaries of the U.S., and we must also understand the intentions of key energy-producing and exporting nations with respect to energy production and supply.

This legislation will allow us to decide which countries are trust-worthy business partners, and which countries we must limit our energy trade with. It is also necessary to examine the national security implications of America's dependence on international energy supplies in order to further determine the benefits of exploring alternative energy supplies.

By requiring the Director of National Intelligence to submit to Congress a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs, H. Res. 6545 assures that these issues will be examined and addressed.

As Members of Congress, and representatives of the people, it is our duty to ensure the safety and well-being of Americans. I urge my fellow Representatives to join me in support of H. Res. 6545, which is an essential step for national security.

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COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2008.

Hon. NANCY PELOSI,
Speaker of the House,
U.S. Capitol, Washington, DC.

Pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344, I am pleased to reappoint Mr. Thomas A. Fuentes of Lake Forest, California to the Election Assistance Commission Board of Advisors.

Mr. Fuentes has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

FREE EGYPTIAN BLOGGER KAREEM AMER

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I rise today to call upon Egypt to demonstrate it is a force for tolerance in the Arab world by releasing Kareem Amer from prison.

While other prisoners of conscience languish in Egyptian jails, the most troubling case is that of a young human rights blogger, Abdel Kareem Nabil Soliman. Kareem Amer, as he is known on the blogosphere, was sentenced to 4 years in prison in February 2007 solely for what he wrote on his blog—condemning Islamic extremism and the treatment of women.

Tomorrow, Egypt celebrates Revolution Day, a holiday during which the Egyptian President customarily releases prisoners. I strongly urge President Mubarak to release Kareem Amer, who now has served 17 months of his sentence.

Egypt is one of the largest recipients of U.S. taxpayer aid, and we should ensure that the partners of ours of this magnitude are also dedicated to the freedom of expression. The release of Kareem Amer, the first blogger arrested in the Arab world simply for what he wrote on his blog, would demonstrate Egypt's commitment to Internet freedom and to human rights.

ENERGY PRICES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last week, President Bush removed the executive ban on offshore drilling. After the announcement was made, crude oil futures plunged. Prices fell $6.44 in the biggest one-day drop since the Gulf War. The next day, prices dropped another $4.50 to $134. This is not a coincidence.

The Democratic majority says it will take years to produce oil from offshore drilling and that it won't affect energy prices.

If Congress lifts the ban on offshore drilling, we will continue to see oil prices fall. Energy traders do take government policies into account. Deciding to develop our American energy resources can immediately lower the cost per barrel of oil and can provide relief at the gas pump.

Democratic Party leaders should heed the will of the American people and should schedule a vote to increase our American energy supply.

THE 34TH COMMEMORATION OF THE TURKISH INVASION OF CYPRUS

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, Sunday, July the 20th marked the 34th commemoration of the Turkish invasion of Cyprus. That invasion claimed the lives of 5,000 Greek Cypriots while an additional 200,000 were forced from their homes. Today, nearly 36,000 Turkish soldiers, 1 soldier for every 2 Turkish Cypriots, are embedded in Cyprus, occupying 35 percent of the island. It is one of the most militarized areas in the world.

The Turkish and Greek Cypriots, themselves, live in harmony, making the occupation all the more unacceptable and unnecessary. There have been

no recent incidents of violence between the two communities. In a show of friendship, Ledra Street, which connects Greek and Cypriot Cyprus, was recently opened for the first time since 1964. Thirteen million Greek and Turkish Cypriots have crossed the border, each time without incident.

In the House, House Resolution 620, which I cosponsored, cites these crossings as evidence of the goodwill between the two communities, and it refutes the Turkish claim that a military presence is necessary.

As we remember the invasion to split Cyprus in two, it is important to note that there are concrete efforts underway by the heads of the communities to reunify.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

(Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PASSING ALONG CONCERNS OF HIGH FUEL PRICES FROM ARKANSAS' THIRD DISTRICT RESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, earlier this month, I spent an afternoon at JV Manufacturing in Springdale, Arkansas, listening to hardworking Arkansans talk about how the high price of gas is affecting their families. I promised them that I would bring their stories back to Washington and that I would put pressure on Congress to enact a commonsense energy policy that would help lower what they're forced to pay at the pump.

Arkansans are paying an average of $4 per gallon, and many families in my district are having a hard time just making ends meet at all as all of their disposable income is going straight into the gas tank. Now is the time for this Congress to act. Let me mention a couple of stories that I heard, and then let me urge a few actions that we could take that would have immediate relief.

I met a single mom who is working full time at a good-paying job, but she is still having trouble meeting the needs of her kids and filling up the gas tank.

I met a family who bought a Jeep, who planned to use it for recreation, but now they can barely afford the expense of driving back and forth from work.

One woman told me about her husband, who is an independent owner and operator of a diesel truck, who has already spent as much on diesel in the first half of 2008 as he had spent all last year.

So what should Congress do? First, we need to increase the production of American energy through more energy exploration and production here at home. Congress needs to open up a small sliver of ANWR in Alaska and in the Outer Continental Shelf for energy exploration. Congress needs to encourage the construction of new refineries and of more nuclear power plants. They need to promote efficiency and new sources of American renewable energy.

Each of these would reduce pain at the pump. It's very important to understand that gas prices and other types of energy prices are related to each other. For example, if we want to start using more plug-in hybrids, we're going to have to increase our electricity production to charge up these electric cars. That's why it's so important to support nuclear, clean coal and alternative energy sources.

Also, if this Congress will take these steps, it will send an immediate signal to speculators and to other investors that we are serious about increasing production, and costs will come down in the short term as well as in the long term. We saw this when the President lifted the executive order banning offshore drilling.

Congress has waited too long to help provide relief to Arkansans and to the rest of the American people. We must act now and pass sensible legislation so that residents of the Third District of Arkansas don't have to choose between keeping gas in their cars and meeting the needs of their families.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE 34TH COMMEMORATION OF THE TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SPACE) is recognized for 5 minutes.

Mr. SPACE. Mr. Speaker, 34 years ago, on July 20, 1974, Turkish troops illegally invaded Cyprus in violation of international law. Thirty-four years have passed since 200,000 Greek Cypriots were expelled from their homes and 5,000 Greek Cypriots were murdered. More than 1,400 still remain missing today. Thirty-four years later, Turkish troops continue to occupy nearly 37 percent of Cypriot territory. There are approximately 43,000 Turkish troops on Cyprus. That's about one Turkish soldier for every two Turkish Cypriots.

The situation remains untenable after 34 years with Greek Cypriots whose homes were taken—the homes where they were raised, where their children were raised, where their parents and grandparents were raised, and where they were never compensated for these homes.

The desecration of the Greek Orthodox churches remains ongoing, many now serving as bars, nightclubs, casinos or hotels. Icons, artifacts and frescoes have been destroyed, looted, vandalized, and sold illegally. Here we are 34 years later, and the situation remains, once again, untenable.

In spite of all of this, the Greek Cypriots have continued to promote peace for 34 years. The Cypriot President is committed to working toward a bicommunal and bizonal federation with a single sovereignty citizenship and international standing.

Indeed, Turkish Cypriots have shown a like commitment. Turkey, however, must show a commitment to this same solution. At a time of increased global destabilization, it is in the best interest of the international community to see that this problem of Cyprus, the injustice in Cyprus, is rectified.

A resolution of this ongoing injustice would, indeed, constitute a reflection of respect for human rights, of the rule of law, of peace and prosperity, of all of these things, which are values that we in this country cherish.

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Mr. Speaker, I urge my colleagues to recognize the importance of this injustice and the need to rectify the same, and I urge the Turkish people to do the same. It is my hope that the need to recognize the anniversary of the invasion, which we do yet again for the 34th time, is someday replaced with a cause to recognize the agreement and reunification of Cyprus.

APPOINTMENT OF CONFEREES ON S. 294, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on S. 294:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. CORRINE BROWN of Florida, Messrs. CUMMINGS, CAPUANO, BISHOP of New York, Mrs. NAPOLITANO, Messrs. LIPINSKI, BRALEY of Iowa, ARCURI, MICA, PETRI, LATOURETTE, BROWN of South Carolina, SHUSTER, MARIO DIAZ-BALART of Florida, and WESTMORELAND.

From the Committee on Science and Technology, for consideration of secs. 105 and 305 of the Senate bill, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

There was no objection.

THE 34TH ANNIVERSARY OF INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise not only as a Member of this esteemed body, but more importantly, as a member of the House Committee on Foreign Affairs and also as co-chair of the Congressional Caucus on Hellenic Issues. I stand before you today to recall a somber anniversary that has pained the Cypriot and Hellenic communities for the past 34 years.

Mr. Speaker, even though the tragic events of the Turkish invasion of Cyprus took place as long ago as July 20, 1974, believe it or not, the suffering of the victims has not subsided. This anniversary is a time for America to respectfully remember the brutal Turkish military invasion of Cyprus, to mourn those who lost their lives, and to condemn the continued occupation. Five thousand Cypriots were killed in 1974, and more than 1,400 Greek Cypriots, including four Americans of Cypriot descent, still remain missing.

Since the invasion, Turkey has established a heavily armed military occupation that continues to control nearly 40 percent of the island. Forced expulsions of Greek Cypriots on the occupied land have left nearly 200,000 people displaced. These Cypriots were kicked out of their homes, making them refugees in their own country. Those properties have been unlawfully distributed and are currently being used by the tens of thousands of illegal settlers from Turkey. To this day, Greek Cypriots are prevented by Turkey from returning to their homes and properties.

Another tragic result of this 34-year occupation is the division among Greek and Turkish Cypriots, who have been forcibly separated along ethnic lines. This unnatural division of the island Nation is a crime against society and the people of Cyprus that can only be resolved by ending this occupation.

Mr. Speaker, 34 years is just too long. On the occasion of this anniversary, we need to take a long, hard look at our own commitment toward helping Cyprus reach a lasting and enduring peace, free from occupation, division, and oppression.

Last year, the U.S. House had the wisdom and foresight to unanimously pass H. Res. 405, a measure I introduced, which expressed strong support from this body for the implementation of the July 8 agreement. This year, a new President was elected in Cyprus. President Demitris Christofias has followed through on his promise to make the solution of the Cyprus problem his top priority and principal concern. The day of his election, he extended a hand of friendship to the Turkish Cypriot leader, Mehmet Talat, and called on him to meet face-to-face to begin implementing the July 8 agreement.

The Republic of Cyprus has also worked alongside its European neighbors to bring about a stronger integration of Turkish and Greek Cypriot interests for the good of the island. This has included a partial lifting on restrictions of movement across the cease-fire line that continues to forcibly divide Cyprus. As a result, since 2003, more than 13 million Greek and Turkish Cypriots have crossed without incident.

Additionally, the per capita income of Turkish Cypriots has nearly tripled in the last 3 years because of an aggressive integration policy by the Republic of Cyprus.

Mr. Speaker, I believe that because of this continued integration between Turkish and Greek Cypriots, and the economic and political successes that the Republic of Cyprus so readily wants to share with its neighbors, it is possible to bring closure to this 34-year occupation.

Cyprus has long been a strong and faithful ally of the United States. It continues to work with us in the global war on terrorism and has supported our efforts in both Afghanistan and Iraq. Aside from providing over-flight rights and port access, the Government of Cyprus has joined only a handful of Nations who have acted on their commitment to cancel Iraq's outstanding debt.

Mr. Speaker, 34 years is long enough. It is not impossible to conceive one day having a Cyprus that is unified under a bizonal, bicommunal federation with a single sovereignty, single international personality, and single citizenship with respect for human rights and fundamental freedoms for all Cypriots.

We, Americans, as friends of the Cypriot people, owe it to them to do everything in our power to support peace and an end to this illegal occupation.

34TH BLACK ANNIVERSARY OF THE INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SIRES) is recognized for 5 minutes.

Mr. SIRES. Mr. Speaker, I rise today to commemorate the 34th anniversary of the invasion of Cyprus, also known as the Black Anniversary. The occupation of Cyprus is an injustice that has gone on for too long, and the Cyprus question can no longer be ignored.

I am encouraged by meetings over the last several months between President Christofias and the Turkish Cypriot leader, Mr. Talat. Their efforts to implement the July 2006 agreement are helping to lay the framework for talks about a final solution to the Cyprus question. With the recent establishment of working groups and technical committees to discuss substantive and day-to-day issues between the communities, I am hopeful that the meeting on July 25 between President Christofias and Talat will bring about full negotiations.

Mr. Speaker, 13 million crossings have taken place between the Greek and the Turkish Cypriot communities without incident, and yet, there are still 43,000 Turkish troops on the island. That is one Turkish troop for every two Turkish Cypriots.

Last year, I introduced House Resolution 620, expressing the sense of the House that Turkey should end its occupation of the Republic of Cyprus. I believe this is an occupation that has divided Cyprus and the Cypriot people for far too long. This occupation stands in the way of a final solution to the Cyprus question, as well as Turkey's accession into the European Union.

Mr. Speaker, last November I led a congressional delegation to Greece and Cyprus where I toured the buffer zone in Nicosia. I saw the barbed wire, and I saw with my own eyes an area where time has stood still for 34 years. As we rise today to commemorate the events of July 20, 1974, we must remain committed to working together to end the occupation and to bring down the 113 miles of barbed wire fence that continue to divide Cyprus.

THE ROLE GOD AND FAITH HAVE PLAYED IN THE DEVELOPMENT OF OUR GREAT NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KLINE) is recognized for 5 minutes.

Mr. KLINE of Minnesota. Mr. Speaker, many of us have been discussing the role God and faith have played in the development of our great Nation and how this foundation is ever present today in our Nation's capital.

Washington is replete with examples of how our founders viewed faith as an integral part of our culture. The subtle manner in which our faith history is portrayed in our monuments and landmarks underscores the fact that faith is a part of who we are. That these references often go unnoticed is simply a testament to the fact that faith in God has been inextricably woven into the fabric of our Nation. As a Nation and as a people, we believe in God.

The Washington Monument, a tribute to our first President, contains in its very cornerstone a copy of the Holy Bible, the Declaration of Independence, and the U.S. Constitution. The symbolism is simply profound. From the beginning of our founding, we have paid homage to the ideas of freedom and liberty under God. The presence of these sacred documents, housed together in what can be viewed as the metaphorical cornerstone of the United States, transcends the simplicity of separation of church and State, and reclaims for us the fact that our Nation was indeed founded with faith as our guiding light.

As a Member of Congress and a man of faith, I am encouraged by the presence of faith in our daily rituals. We here in this body, as we enter the Chamber of this House, we are greeted by the inscription, ''In God We Trust,'' inscribed above the Speaker's desk. We seek favor in His grace and pray His blessings upon our work each day, and we open with the Pledge of Allegiance, acknowledging ''one Nation under God.''

The universal nature of faith and the acknowledgment of our goals as a Nation of faith are often the unifying force that brings Republicans and Democrats together. Across the table, we bow our heads in prayer, and we readily accept the spirit of the Almighty working through us.

Throughout Washington, we can easily find examples of our Judeo-Christian roots. If we step across the street to the Supreme Court, we are presented with the image of Moses bearing the Ten Commandments, often considered the basis for much of modern law. Its presence within the halls of the Supreme Court recognizes the origins of our modern day laws and serves as a reminder that we are a Nation seeking justice in the eyes of God.

One of my favorite buildings is the Library of Congress. As you enter the Great Hall, you are greeted by two permanent displays. The first is the handwritten Giant Bible of Mainz. The second is the Gutenberg Bible, the first mass printed book. These Bibles are coupled with the inscribed scripture passage from Proverbs 4:7, ''Wisdom is the principle thing; therefore, get wisdom and with all thy getting, get understanding.''

Mr. Speaker, last week one of my constituents, a young high schoolgirl, came in and expressed her concern that she had heard there was an effort underway to remove God from these walls. And I told her I certainly prayed that was not the case, but I was concerned because we are about to open the new Capitol Visitor Center which, in many respects, is an extension and a reflection of the Capitol that it will be the entrance to, in many ways, in many respects, but not in its reference to God, as part of our founding.

Faith is the underpinning of this great Nation. Thomas Jefferson's words, seen in the Jefferson Memorial, remind us of the importance of that underpinning: ''God who gave us life gave us liberty. Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God?''

That, Mr. Speaker, is the question.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. COHEN. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H. Con. Res. 362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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34TH ANNIVERSARY OF THE 1974 ILLEGAL TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. As cochair and cofounder of the Congressional Caucus on Hellenic Issues, I wish to extend my support to Cypriots of Hellenic descent here in our country, on Cyprus, and all around the world as we mark the tragic 34th anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I became a Member of Congress.

For the past several years, the Hellenic Caucus has been very engaged on the issues facing this divided island. Many members of the Caucus remain concerned about the continued occupation and division of the Republic of Cyprus.

Turkey illegally invaded Cyprus in 1974. As a result of the Turkish invasion and occupation, 160,000 Greek Cypriots, amounting to 70 percent of the population of the occupied area and over a quarter of the total population, were forcibly expelled from their homes, and approximately 5,000 Cypriots were killed. More than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing and unaccounted for since the Turkish invasion.

Famagusta was a thriving port city in Cyprus until 1974. Its industrial sector supplied vital jobs to the nearby population, and it was an important tourist destination. In 1973, 88 percent of all imports and 73 percent of all exports went through Famagusta. Tragically, a few short weeks after Turkey invaded Cyprus, Famagusta was bombed relentlessly by Turkish troops. I have many constituents that I represent who told me about that fateful day, how they had to crawl out on their hands and knees begging God for their life. They want desperately to return to their homes.

Many Greek Cypriots fled, as my constituents did, in terror, and the city was sealed off with barbed wire fences by Turkish forces. I have been to and seen the 113 miles of barbed wire, and we hope that this barbed wire will finally be removed.

Ultimately, 45,000 citizens of Famagusta became refugees in their own country, losing their land, businesses, homes and neighborhoods. Today, 34 years later, Turkey continues forcibly to occupy more than a third of Cyprus, with more than 43,000 illegal Turkish troops.

The peaceful and cooperative spirit and the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots is an encouraging sign for the successful reunification of Cyprus. However, it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation undivided.

As a member of the European Union, Cyprus is playing a vital role in European affairs, while also strengthening relations with the United States. It has joined with us on issues important to our own security, including the fight against terrorism and other forms of international crimes.

Cyprus was the very first EU member to join the ship boarding protocol of President Bush's Proliferation Security Initiative, particularly important because Cyprus has one of the world's largest commercial shipping registries.

As Cyprus developed into a regional financial center, the government moved aggressively and put in place strong anti-money laundering legislation. On March 21, 2008, President Christofias and Turkish-Cypriot leader Talat agreed to establish working groups and technical committees as a stipulation in the July 8, 2006 agreement for which the House of Representatives expressed its full support by passing H.R. 405 last year.

On April 3, 2008, the Ledra Street crossing point opened. I have introduced legislation which expresses the strong support of the House of Representatives for the positive actions by the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island.

I strongly support legislation introduced by my colleagues, including H.R. 1456, introduced by Congressman PALLONE, which would enable U.S. citizens who own property in the Turkish-occupied territory of the Republic of Cyprus to seek financial remedies with either the current inhabitants of their land or the Turkish Government.

I strongly support H.R. 620, introduced by my good friend, Representative SIRES, which expresses the sense of the House of Representatives that Turkey should end its military occupation of the Republic of Cyprus.

The U.S. must play an active role in the resolution of the serious issues facing Cyprus. And I hope that the process moves forward in preparation for new comprehensive negotiations leading to the unification of Cyprus within a bizonal, bi-communal federation. In fact, in May, Representative BILIRAKIS and I sent a letter to Secretary Rice urging her to invite the Cypriot President to the U.S. for an official state visit.

The people of Cyprus deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in solemnly commemorating the 34th anniversary of the invasion of Cyprus.

Long Live Freedom.

Long Live Cyprus.
Long Live Greece.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

(Mr. CARTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

60TH ANNIVERSARY OF INTEGRATION OF UNITED STATES ARMED FORCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for Members to have 5 legislative business days to submit their statements for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, this evening I rise, along with my distinguished colleagues, for the next hour, which shall be ours, to salute and to mark the 60th anniversary of the integration of the United States Armed Forces.

I rise today to celebrate this historic occasion as a step toward greater social justice for minorities and women alike, which shaped the road to equality within the United States and strengthened the very foundation and moral character of our great Nation.

On July 26, 1948, President Harry Truman signed executive order 9981, requiring the integration of the Armed Forces regardless of one's race, religion, or national origin.

President's Truman's brazen action back there in 1948 set the stage for later victories, including the Supreme Court's ruling in Brown vs. Board of Education, the Civil Rights Act, and the Voting Rights Act.

We are aware, Mr. Speaker, as our history attests, that the shared sacrifice of African Americans in the defense of our great Nation did not begin in 1948. Individuals such as William Williams, a Maryland fugitive slave, overcame the odds by enlisting as a private in the United States Army and defending Fort McHenry of Baltimore, Maryland in 1812. Countless others also served prior to the issuance of executive order 9981, including the Buffalo Soldiers of the 9th and 10th Cavalry Regiments, members of the Navy and Marine Corps' Stewards Branch, and the highly distinguished and honored Tuskegee Airmen. These brave servicemembers paved the way for minority men and women who proudly wear the uniform today. Sadly, back then, Mr. Speaker, they were often unseen, unnoticed, unappreciated, unapplauded and unsung, but today we pause to celebrate their lives and their contributions to our great Nation.

It is because of their sacrifices that I, along with the 42 other members of the Congressional Black Caucus, serve in the Congress of the United States today. It is through their sacrifices that I serve on the Board of Visitors at the Naval Academy, as a member of the House Armed Services Committee, and Chair of the Coast Guard and Maritime Transportation Subcommittee of the House Transportation Committee. As such, minorities have played a pivotal role in shaping this Nation's armed services, and I'm proud to say that this role continues today.

With the benefit of historical hindsight, we know that the sacrifice of brave Americans on the battlefield had to become a shared experience for America to truly move toward becoming ''one Nation, indivisible.'' Therefore, a segregated Armed Force could not be a foundation for an integrated society, nor could it truly offer ''justice for all.''

However, just as President George Washington initially refused to recruit African Americans in the American Revolutionary War despite the British welcoming the enlistment of minorities in 1775, President Truman's executive order was also met with much opposition by the Marine Corps and the Army. Consequently, this significant change and transition in racial policy took nearly 15 years before the executive order was fully implemented by all of the Armed Forces.

Because of President Truman's unyielding vigilance in ensuring the complete integration of the Armed Forces, all Americans today are more secure and remain free.

As we remember and honor the brave men and women of every race who have served our Nation, we should also remember those visionary leaders who gave to our Nation, including our colleagues, Representative CHARLES RANGEL of New York, JOHN CONYERS of Michigan, Representative BOBBY RUSH of Illinois, EDOLPHUS TOWNS of New York, BOBBY SCOTT of Virginia, and so many others, the opportunity to share in that sacrifice which has preserved the America we all love so much.

We know that the transformation of our military has not been easily accomplished, and we honor those soldiers, sailors, airmen, guardsmen and women, and marines who, over the years, have challenged the status quo to do what is simply right.

All too often in our past, minorities in our Armed Forces have been forced to endure injustice and discrimination. All too often, promotions, choice assignments, and desired occupational fields have not been open to all on the basis of merit alone. Yet, the patriotism of our countrymen and women has kept the transformation and vision by President Truman alive.

Today, minorities continue to serve with distinction throughout our Armed Forces. Of the more than 1.8 million servicemembers who have participated in support of Operations Enduring and Iraqi Freedom, more than 20 percent have been minorities.

Mr. Speaker, it was just today that we congratulated Ensign DeCarol Davis for her selection as being the first African American and the first African

American woman to serve as valedictorian of a graduating class of the Coast Guard Academy. However, despite these advancements, minorities and women continue to be overlooked in being promoted fairly to Flag Officer rank or other leadership positions within the armed services. In fact, minorities remain over-represented in the enlisted ranks of our armed services, but clearly under-represented in the officer ranks.

African Americans constitute less than 6 percent of the general officers serving on active duty, amounting to merely 53 officers. And today, 60 years after executive order 9981, the Department of Defense still lacks a comprehensive plan and definition of diversity that can be applied Defense-wide.

Moreover, while the number of minorities and women admitted into the service academy has increased, reaching 24.1 percent of minorities for the graduating class of 2007 to 2011 at West Point and 22.7 percent of the United States Naval Academy, reports of the hate-inspired display of nooses at the United States Coast Guard Academy certainly demonstrate how much further we have to go as a Nation.

Mr. Speaker, we can do better. Not only can we do better, but we must do better. There is no excuse today for having one Four Star minority general officer, just as there was no excuse 60 years ago for the failure of the Army and the Marine Corps to immediately implement President Truman's noble orders of integration within the services.

That is why, together with Representatives KENDRICK MEEK, HANK JOHNSON and KATHY CASTOR, I successfully sponsored the ''Senior Military Leadership Diversity Commission'' amendment to the 2009 National Defense Authorization Act.

And I would be more than remiss if I did not say that our whip, Mr. JIM CLYBURN of South Carolina, has made this entire cause of promotions within the ranks one of his major, major themes and something that he has worked on very, very hard, and I want to thank him for all of his efforts.

The commission that I spoke about a minute ago will study diversity within the senior leadership of the Armed Forces with the goal of enhancing the role of minorities and women. As I previously observed, Mr. Speaker, shared sacrifice and service to our Nation must be balanced by a fair and equitable sharing of responsibilities, opportunities and promotions.

□ 2045

For this reason, the commission's mission will be to evaluate and assess the opportunities for the advancement of minority and female members within the military branches as well as the challenge of retaining our Nation's best and brightest.

The Armed Forces continue to be a great career opportunity for the young men and women today. As a Nation, we have a compelling need to further increase the retention and recruitment of minority officers; yet as the co-chair of a task force on minority recruitment in the academies, and as a member of the Board of Visitors of the Naval Academy, I remain deeply concerned.

Mr. Speaker, this Nation's long march toward shared opportunity as well as shared sacrifice in the defense of America will continue, as it must. The security and the honor of America are at stake.

And with that, Mr. Speaker, I yield to my distinguished colleague, Ms. WATSON of California.

Ms. WATSON. Mr. Speaker, I rise today in celebration of the 60th anniversary of the integration of the U.S. Armed Forces. The policy that opened the door to full integration of the military was executive order 9981, signed by President Harry Truman on July 26, 1948. Despite the fact that President Truman signed this order, African Americans have served in this Nation's military with distinction since the Revolutionary War.

Some of the storied accomplishments of blacks in the military date back to the War of 1812. During the Battle of Lake Erie in September of 1813, which this event is depicted in a painting at the head of the east stairway in the Senate wing of the Capitol, nine small ships defeated a British squadron of six vessels, and due to the shortage of personnel, about 25 percent of the sailors involved were black.

During the Civil War in September, 1864, the Battle of New Market Heights was one of the last major fights before the war came to a conclusion. During the conflict, 14 blacks won the Congressional Medal of Honor for their bravery in the line of fire. This event marked the largest amount of blacks to receive the Medal of Honor for a single battle. This accomplishment has almost been left out of the history books, but today we recognize their honorable service and contributions to freedom.

During World War II in 1943 and 1944, a group of young determined black men who called themselves the Tuskegee Airmen, which my late first cousin, First Lieutenant Ira O'Neal, served as one of the original pilots, fought in the skies over North Africa and Europe with honor and with courage. The Airmen flew over 15,000 sorties and over 200 bomber escort missions. Some individuals have questioned their record of never losing a bomber to enemy fire, but, nevertheless, their accomplishments blazed a trail of fire towards integration in the Armed Forces.

Even after the signing of executive order 9981 in 1948, neither the Army nor the Navy planned to alter their existing racial policies, and it wasn't until October 30, 1954, when the Secretary of Defense finally announced that the last racial segregated unit in the Armed Forces of the United States had been abolished.

In April of 1948, there were only 41 black officers in the regular Army, and that was up from 8 in June of 1945. By the end of June, 1948, there were only 5 warrant officers and 65,000 black enlisted men and women.

During fiscal year 2004, the total strength of the Armed Forces was over 2.2 million people. Military demographics showed that African American men and women made up over 16,800 commissioned officers, more than 3,300 warrant officers and over 313,900 enlisted. At that time blacks made up 16.7 percent of the total strength of the Armed Forces.

We have come a long way as a Nation in 60 years to integrate the U.S. military. African Americans in defense of this Nation are now commanders of warships, advisers to Presidents, but there is still more work to be done in terms of diversity in the senior levels of military leadership.

Currently, less than 5 percent of officers at the rank of one star general and above are African American. As this Nation moves forward and we realize the future threats we will face, it is imperative that we tap into our full potential and give minorities opportunities to hold senior leadership roles in our military.

That is why I would like to thank Representatives CUMMINGS, MEEK, JOHNSON, and CASTOR of the House Armed Services Committee for sponsoring the Senior Military Leadership Diversity Commission. The commission will study the development of minorities to reach the general and flag officer ranks of the Armed Forces.

For many years blacks have fought on two fronts in their military careers. One front was on the battlefield in pursuit of freedom for our country, and the second front was on the city streets, where they fought against racism and discrimination.

So, Mr. Speaker, I look forward to working with my colleagues to further diversify the senior ranks of the military, and I look forward to the official celebration of the 60th anniversary of the integration of the Armed Forces in the Capitol rotunda.

And I would just like to add that our new superintendent of schools in Los Angeles is a former admiral, Admiral Brewer, and we're very proud to have him. Not an educator, but a well-proven military leader.

Mr. CUMMINGS. I want to thank the gentlewoman for her strong comments.

And I also would note, Mr. Speaker, that throughout these presentations, I think you will hear a common theme, and that is that while minorities are enlisted in the military in the rank and file, there is a concerted effort on our part to make sure that they enter the ranks of officers. It's not enough to give your blood, your sweat, your tears. We want to see more of them in the officer ranks.

And with that, Mr. Speaker, I am very pleased to yield to the distinguished gentlewoman from Maryland, one of the newest Members of Congress. And she didn't hit the ground running,

she hit the ground flying. From the Fourth Congressional District, Congresswoman DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise to lend my voice in recognizing the 60th anniversary of the integration of our Nation's Armed Forces.

Having grown up in a military family, my life has been directly impacted and enriched by President Truman's executive order. Though African Americans' history of service and sacrifice did not begin with the integration of the armed services, it's been more validated because of it.

From my great grandfather who volunteered as a Freeman to fight on the side of the union in this Nation's Civil War; to my grandfather who served in a segregated Navy during World War II; to my father, who was among those to join the Air Force in 1949, among the first airmen to integrate in the United States Air Force under the executive order; to my brother who just out of high school joined to serve during Vietnam, I've been a witness to the honor, bravery, and sacrifice associated with military service. And regardless of one's race, religion, or ethnicity, President Truman and military leaders at the time understood the importance of the principle ''I am my brother's keeper.'' This principle serves as a foundation on which our armed services are built, and without executive order 9981, equality of treatment and opportunity for all in our armed services, our country would surely have suffered.

We must never forget the service of African American soldiers throughout our Nation's history. From the 54th Massachusetts Regiment that stormed the beaches and battlements of Fort Wagner in South Carolina; to the Harlem Hellfighters of the 369th Infantry Regiment, who not once saw a man captured or ground taken; to the famed Tuskegee Airmen, who were among the first African American fighter pilots and the first unit to receive a presidential unit citation for ''outstanding courage,'' these servicemembers, along with countless others, gave their lives to help pave the way for the integration of our Armed Forces. And we can't underestimate what that integration meant, opening the door to increased educational benefits and employment opportunities for all of us and serving really as a blueprint for the private sector to integrate as well.

Mr. Speaker, I rise today to say that, like my colleagues, I agree that the service doesn't end with simply giving your blood and your sweat and your tears, but it means having the capacity to rise to the level of flag officers, of commanding officers in our United States Armed Forces. And until all those doors are open, we will not have recognized and realized the opportunity put forth by President Truman on the signing of executive order 9981.

Mr. CUMMINGS. I want to thank the gentlewoman for her statement.

Mr. Speaker, I will just take a moment to also salute the members of the Armed Services Committee from the Congressional Black Caucus, Congressman KENDRICK MEEK, who has worked very hard on these issues; and certainly Congressman HANK JOHNSON out of Georgia; and yours truly.

So in closing, Mr. Speaker, as all Americans are painfully aware, our history as a Nation has been a collage of contradictions, a struggle between discrimination and social justice, which has been repeatedly overcome by the power of patriotism and love for our Nation.

JIM CLYBURN loves to tell the story, and many of us have heard these stories, where African American men and women have served many, many years in the military, and then when it came time for them to be promoted, they did not make the list. So after they had given much of their lives to their country, because they were not selected to move up as far as rank was concerned, then they had to leave. And that has happened to so many over and over and over again.

But no matter what, they still kept coming. On the one hand, many of them felt that they had not been treated fairly. But on the other hand, they still saluted the flag. They put up the flag every day. They did everything they knew how to be good patriots. Sometimes while they were being wonderful, wonderful patriots, they also found themselves in pain. So it was a dual situation for them, standing up for their country in some instances where they did not feel that their country always stood up for them. And you can hear those stories no matter where you go in any African American neighborhood throughout our country.

So going back to President Truman's executive order 9981, requiring the integration of the armed services prior to the Supreme Court's ruling in Brown versus Board of Education, the Civil Rights Act, and the Voting Rights Act is a testament to this shared struggle.

President Truman's executive order was essential to America's history and to his quest to truly offer justice for all. And that's what these soldiers were asking for, simply justice for all. They did not want anybody to do them any big favors. They simply wanted to have what was due them, an opportunity to lead.

□ 2100

And so, just as we eventually came together as a Nation to ensure the full implementation of the Executive Order 9981, I thank my colleagues for joining me and coming together as Members of Congress and celebrating the 60th anniversary of this momentous occasion.

And I would be more than remiss if I did not give credit to our staff who worked so hard on this special order, Miss Leah Perry, a very distinguished lawyer in her own right, and Miss Ca-Asia Shields, a young lady who is one of our fellows from the military services. And we're very, very pleased with the great work that they did for us.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the 60th year of an integrated United States military. On July 26, 1948, President Harry S Truman signed Executive Order 9981. Since that date, people of color have been able to serve honorably in our Armed Forces.

As I reflect upon that day and the significance that it holds, I wonder how it was received in my district. I can imagine the pride and optimism that my parents felt as they picked up their copy of the Cleveland Plain Dealer on July 27, 1948, and read the headline ''Segregation Hit in Truman Orders.'' As the civil rights movement was beginning to gain momentum, the Democratic Party of the North began to break away from their Southern affiliates. As the article indicates, President Truman grew tired of waiting for Congress to act on his civil rights legislation. So through an executive order, he recognized the injustice that had been done to millions of Americans and unilaterally opened the door for them to participate in civil service.

While the Civil Rights Movement is not over, we have seen and continue to see progress in our society's treatment of minorities. Even before President Truman used his pen to integrate the Federal Government, minorities were loyally serving our Nation. I am still in awe when I think of how men of color fought in the Civil War, how they participated in our westward expansion, the Great War, World War II, and even Korea, all without the respect of being treated as an equal at home. The passion shared by minority communities for the principles our Nation undoubtedly motivated millions of individuals to fight the good fight and work for a better tomorrow.

As we celebrate 60 years of an integrated military, my colleagues and I in the House of Representatives are preparing to celebrate the career of LTC Joselyn Lloyd Bell, Jr. Lieutenant Colonel Bell will be retiring from the United States Army on July 25th after 20 years of distinguished service. An outstanding African-American officer, Lieutenant Colonel Bell represents all that minority men and women in uniform dreamed of experiencing prior to EO 9981.

After being commissioned through the Recruit Officer Training Corps at the University of Central Arkansas, Second Lieutenant Bell became a military intelligence officer. His service at the tactical and operational levels provided him with the ability to demonstrate his strong leadership and professional skills. Eventually, he would apply his expertise and help prepare the Army for the future by commanding units which tested several of the platforms currently in use today. Lieutenant Colonel Bell's last assignment prior to retirement was with the Office of Army Legislative Liaison. Through this role, he was able to advocate for a stronger Army and share his experience with my colleagues.

One day following the publication of EO 9981, President Truman addressed Congress in a special session. In his speech he addressed a slowing economy, housing issues and the ability of Americans to find suitable employment. I find it interesting that now, almost 60 years later, my colleagues and I are discussing the same issues. Today we monitor the price of oil, we work vigorously to address the housing foreclosure issue and to keep jobs here in America. While our military is integrated we have yet to reach our full potential.

The racial composition of our enlisted and officer corps does not reflect the progress that we have achieved. Out of the 899 flag officers, only 27 are African-American. The statistics concerning women, Latinos, Asian-Americans, American Indian and Alaskan Natives are equally disappointing. In 2003, several key individuals within the military community filed an amicus brief to reiterate that the strength of our military rests firmly upon the diversity within it.

As we thank Lieutenant Colonel Bell for his service and his family for their support, we may again turn to the words of President Truman. As the President closed his address to Congress on July 27th, 1948, he stated, ''The vigor of our democracy is judged by its ability to take decisive actions—actions which are necessary to maintain our physical and moral strength and to raise our standards of living. In these days of continued stress, the test of that vigor becomes more and more difficult . . .'' As our global community is challenged by the threat of non-state actors, our Armed Forces continue to be involved in two major conflicts, and our communities progress towards complete integration, I feel that we in the Congress have it within us to honor those that have served and those who are serving. We must continue to work with our men and women in uniform to provide all Americans with the opportunity to succeed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, HASC Chairman IKE SKELTON submitted H. Con. Res. 377 last month to authorize the use of the Rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces. Specifically, President Harry S. Truman signed Executive Order 9981 in 1948, which provided for equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.

The resolution commemorating this event was overwhelmingly adopted by the House, with the Senate concurring, and tomorrow's ceremony is the result. Significant House leadership (bipartisan) is expected to attend, among them Speaker PELOSI, Leaders HOYER/BOEHNER, Chairman SKELTON and many Members of the U.S. House of Representatives. All U.S. Senators have been invited—Leaders REID and MCCONNELL have accepted; numerous Senators are also expected to be in attendance. Executive Branch invites were also extended. I would like to thank Congressman ELIJAH CUMMINGS for leading this special order and for his leadership on this issue.

The integration of the armed forces was a momentous event in our military and national history; it represented a milestone in the development of the armed forces and the fulfillment of the democratic ideal. The existence of integrated rather than segregated armed forces is an important factor in our military establishment today. Also we must continue to promote the promotion to office for these minority soldiers and women soldiers.

The experiences in World War II and the postwar pressures generated by the civil rights movement compelled all the services—Army, Navy, Air Force, and Marine Corps—to reexamine their traditional practices of segregation. While there were differences in the ways that the services moved toward integration, all were subject to the same demands, fears, and prejudices and had the same need to use their resources in a more rational and economical way. All of them reached the same conclusion: traditional attitudes toward minorities must give way to democratic concepts of civil rights.

If the integration of the armed services now seems to have been inevitable in a democratic society, it nevertheless faced opposition that had to be overcome and problems that had to be solved through the combined efforts of political and civil rights leaders and civil and military officials. In many ways the military services were at the cutting edge in the struggle for racial equality.

The 60th anniversary of the integration of the U.S. armed forces reflects the quarter century that followed America's entry into World War II, beginning with reluctant inclusion of a few segregated ''Negroes'', to African-American service men and women's routine acceptance in a racially integrated military establishment.

In the name of equality of treatment and opportunity, the Department of Defense took a long time to adequately challenge racial injustices deeply rooted in American society.

Clearly, it was a practical answer to pressing political problems that had plagued several national administrations. In another, it was the services expression of those liberalizing tendencies that were pervading American society during the era of civil rights activism.

Sadly, just as Martin Luther King, Jr. spoke of affecting the establishment with financial boycotts because it was easier to change laws than to change hearts; to a considerable extent the policy of racial equality was more a response to the need for military efficiency than a belief in true equal opportunity.

Men like Walter F. White of the NAACP and the National Urban League's T. Arnold Hill sought to use World War II to expand opportunities for the black American. From the start they tried to translate the idealistic sentiment for democracy into widespread support for civil rights in the United States.

The became readily apparent during President Truman's years in the White House, that winning equality at home was just as important as advancing the cause of freedom abroad. As George S. Schuyler, a widely quoted African-American columnist put it: ''If nothing more comes out of this emergency (World War II) than the widespread understanding among White leaders that the Negro's loyalty is conditional, we shall not have suffered in vain.''

The NAACP spelled out the challenge even more clearly in its monthly publication, The Crisis, which declared itself ''sorry for brutality, blood, and death among the peoples of Europe, just as we were sorry for China and Ethiopia. But the hysterical cries of the preachers of democracy for Europe leave us cold. We want democracy in Alabama, Arkansas, in Mississippi and Michigan, in the District of Columbia—in the Senate of the United States.''

The administration began responding to these pressures before America entered World War II. At the urging of the White House the Army announced plans for the mobilization of African-Americans, and Congress amended several mobilization measures to define and increase the military training opportunities for African-Americans.

The most important of these legislative amendments in terms of influence on future race relations were made to the Selective Service Act of 1940. The matter of race played only a small part in the debate on this highly controversial legislation, but during congressional hearings on the bill African-Americans testified on discrimination against Negroes in the services. These witnesses concluded that if the draft law did not provide specific guarantees against it, discrimination would prevail. Luckily, Congress agreed.

On July 26, 1948, President Truman signed Executive Order 9981, ordering the racial integration of the Armed Forces, declaring that, ''there is equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.'' The policy was to be put into effect, ''rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.''

Unfortunately, the all-black 24th Infantry was the only black active duty regiment left intact after World War II. The 25th Infantry Regiment was also still on active duty, but its battalions were split and attached to various divisions to replace inactive or unfilled organic elements. The all-black 9th and 10th Cavalry Regiments were reactivated in 1950 as separate tank battalions—keeping full integration still in the distant future.

In February 1946 The U.S. Navy published a circular letter making black sailors ''eligible for all types of assignments in all ratings in all activities and all ships of naval service. Yet it was a full 3 years later before the first military service group, the Air Force integrated under the executive order.

The true fulfillment of the entire scope of Executive Order 9981—equality of treatment and opportunity—actually required an additional change in Defense Department policy which did not occur until July 26, 1963, 15 years to the day after Truman signed the original order.

This major about-face in policy issued by Secretary of Defense Robert J. McNamara expanded the military's responsibility to include the elimination of off-base discrimination detrimental to the military effectiveness of black servicemen.

As of 2008, the Department of Defense has a total of 1,375,105 service members serving on active duty in the Armed Forces. Minorities serve in senior leadership positions throughout the Armed Forces, as commissioned, warrant and non-commissioned officers, evidence that the integration of the Armed Forces has enhanced the combat effectiveness of the military 60 years ago and still holds true today.

There have been more than 1,754,900 service members from this volunteer force that have fought in support of Operation Iraqi Freedom/Operation Enduring Freedom, of which more than 20 percent are minorities, evidence that the United States could not maintain an all-volunteer force without the service of and critical role played by minorities.

The Armed Forces has been lead in creating opportunities for no matter the national origin, religion nor race. Making equal opportunity not just a slogan but a way of life. It is a place where regularly minorities serve as leaders, companies, battalions, divisions. It also serves a great opportunity to grow morally, ethically, and professionally.

The United States Military Academy—West Point, (USMA) currently has the highest enrollment percentage (24.1 percent) of minorities

for graduating classes of 2007–2011. The United States Naval Academy (USNA) is at a close 22.7 percent and has seen a steady and consistent increase in enrollment of minorities well over 20 percent graduating classes of 2007–2011.

The USNA has the highest enrollment number for females (20 percent), with the USAFA close behind—19 percent. USMA has the highest number of African American enrollment, however it is important to note that the enrollment numbers for West Point are about 90–100 students more than the Naval Academy and about the same enrollment numbers for the Air Force.

Current Active Duty Flag Officer statistics throughout the Department of Defense:

- 4-Star Generals, 1 is an African American (General "Kip" Ward)
- 137 3-Star Generals, 8 are African American
- 279 2-Star Generals, 17 are African American
- 444 1-Star Generals, 24 are African American
- TOTAL: 899 General Officers, 40 are African American—4.4 percent of General Officers on Active Duty.

I am also lucky to serve with several Congressional Black Caucus Members that have served in our Armed Forces including:

- CHARLES RANGEL (NY) Served in the Korean War in United States Army during the period of 1948–1952; Purple Heart and Bronze Star Recipient
- JOHN CONYERS Jr. (MI) Served in the United States Army during the Korean War
- BOBBY RUSH (1st IL) Served 5 years in the United States Army
- EDOLPHUS TOWNS (10th NY) United States Army
- ROBERT "BOBBY" SCOTT (3rd VA) United States Army

I am proud to stand here today and honor the many African-Americans, Hispanics, Asians, Europeans, and all the other ethnic groups that make up our armed forces. No matter their race or national origin they have but three things in common—their desire to champion the ideals of democracy, their willingness to give the ultimate sacrifice for their country, and their compelling devotion to duty.

AMERICAN ENERGY SOLUTIONS FOR LOWER GAS PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, again, we come tonight to talk about something that is on all Americans' minds tonight, and that is the price of energy. We have been here for the last couple of weeks talking about the problem that we have with the energy prices and especially the price of gasoline in this country. And we are unable to break a deadlock, it seems like, in the House, Mr. Speaker, to have the representatives vote for a bill that would really increase energy production.

And I have got a few charts that I'm going to put up here now. These charts that I put up just represent a little petition that I had made up for the Members of this body. I had been contacted, as many of you, Mr. Speaker, have heard me say before, that I was contacted by many constituents that asked me if I had signed off the Internet petitions about drill here, drill now, pay less. There have been several petitions about wanting to bring down the price of gas.

In fact, I was in a local service station. I got my gas. I went in to buy some other things. And there was a petition there on the counter. It said, ''sign here if you want to lower gas prices.'' And I'm assuming the proprietor of that business did that to keep people from hollering at him about how much they were paying for their gas. But after reading this and learning that over about 1.5 million people had signed the petition on the Internet telling Congress, hey, look, we want you to drill here, we want you to drill now, I came up with the idea, Mr. Speaker, that I would come up with a petition for the Members of this body.

We are hearing from our constituents. And right now, about 73 percent of Americans are telling us, drill here. Drill now. We want to lower our gas prices. We want to be more dependent on our own natural resources than we are on foreign resources and be independent of other people to supply us with our energy needs.

So I came up with a petition. It says ''American energy solutions for lower gas prices.'' It includes bringing onshore oil online, bringing deep water oil online, and bringing new refineries online. A lot of people, Mr. Speaker, do not realize that we have not built a refinery in this country since 1978. In order to do that, we have got to do something to persuade these refining companies to bring refineries online, to do something to streamline the regulation process and the permitting process to be able to do this.

When the Republicans were in the majority, we did do that. We brought about a bill that offered an opportunity to streamline and to actually put some of these refineries on some of the military bases that were going to be closed. I came up with a petition. I had the petition over here. It is a House of Representatives energy petition. It says ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

Now that is too simple, Mr. Speaker, for a lot of people in this body, in that it's one sentence, ''I will vote to increase U.S. oil production to lower gas prices for Americans.'' That's pretty simple. There's no discharge petition. There's no legislation that goes with it, Mr. Speaker. It's just an opportunity for not only the 435 voting Members of this body, but also the other seven delegates from U.S. territories around the world, to let their constituents know how they feel about increasing U.S. production to lower the gas prices. Well, we have sent at least two e-mails to everybody's office. We have talked to probably 230 or 240, maybe 250 people on this floor. So far, we have had 192 Members sign this simple petition. It says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

Now, if you're sitting at home—Mr. Speaker, if anybody was sitting at home watching TV and wanting to find out if their Congressman had signed, Mr. Speaker, they would go to house.gov/westmoreland. And, Mr. Speaker, on this Web site, we have a list of all those Members who have signed. And we have a list of those who have refused to sign. And if your Member is not in either one of those lists, then they have not signed.

So everybody in here has had an opportunity to do this. So far, 192 Members—and as I said, it's very simple, nothing, no piece of legislation, it's just a simple comment to the voters at home to let you know how the people in this body, because we are the ones, Mr. Speaker, that are going to have to take some action to make this happen.

Last week the President recalled or withdrew the Presidential ban on offshore drilling. Now, it's up to this House to do the same thing. We have to withdraw the congressional ban to explore and to do the offshore drilling. But so far, we've refused to do that. In fact, every bill that has come to this floor, including the Democrats' energy bill of January of 2007, has been either under a closed rule or under suspension.

Now, Mr. Speaker, you know that being under suspension, you have no ability to amend the bill, there is 20 minutes of debate normally on each side, probably not even a subcommittee or a committee hearing on the process. So these bills have come with little input from all the Members of this body.

What we have called for, what the Republicans have called for, is for the Democrats to bring a bill to this floor that is an open rule bill. That means a bill, Mr. Speaker, that would allow all 435 Members of this body to put forth ideas, because the total solution is not drilling. The total solution is not conserving. The real solution is all of the above, a complete energy plan that would call for drilling on our Outer Continental Shelf, that would allow us to drill on Federal lands, do coal-to-oil conversion, create oil from the shale in the Western States, wind power, solar power, all of the above.

But so far, the Democratic majority, Mr. Speaker, has refused to allow those type of bills to the floor so everybody can have input. Now, I see here one of my colleagues, the gentleman from California, who just got back from a trip, Mr. Speaker, to some of these regions that we're talking about. And so I would like for my colleague, the gentleman from California (Mr. MCCARTHY) to get up and maybe tell us a little bit about his trip to some of the area that we believe we have some of the largest oil reserves in this country.

Mr. MCCARTHY of California. Well, I thank the gentleman for yielding. And I appreciate the work you're doing for the American people.

Mr. Speaker, this last weekend leaving on Friday was a group of Members, one led by Congressman JOHN BOEHNER. And I applaud the gentleman from Ohio (Mr. BOEHNER) because his is an open-minded leadership. He believes that the power of the idea should win at the end of the day. So he put together a group of individuals and Members from across the country. There were about ten of us. And we traveled first to Golden, Colorado. And in Golden, Colorado, I don't know, Mr. Speaker, if the American people know, but there is the National Renewable Energy Laboratory. And what this laboratory does, it is under the Department of Energy, it studies solar, wind and many different avenues for renewable energy. When it comes to automobiles, we drove from hydrogen to hybrid to electric cars, as well. This is where the technology, the patents are being created where we can see the future of America, where we can see the future for energy.

And that is much what the gentleman from Georgia was talking about, all of the above. From there after we studied where we can go, but as we studied this technology, and as we drive these cars—one car costs $1 million and can only go 60 miles—you see that in the future, with technology, where we can go and bring the price down where the average American could actually afford it.

And you do that really by thinking about an individual cell phone. Think about one of those big old bricks you used to have for a cell phone, you would carry them in a suitcase, to where we are today. Many of the Members here actually have Blackberries. Do you know that there is more technology in a Blackberry than the Apollo had when they landed on the moon?

After our meetings in the renewable energy, we then boarded the plane the next day. And we went up to Alaska. We went up to Alaska to look at the Alaskan fields. We went into the different ones to actually see firsthand, not to sit back and say, no, we will never allow the ability to drill, we will never allow it, to understand if we can do it in an environmentally friendly way, to see what is happening up there. We went to the bay. We went up to the pumping of the first transmission line through.

Do you know what we found when we were there? We saw how even technology has changed from when they started in the 1970s to today. Before they would take 65 acres to drill. Now we flew over the one portion which is out over a little ways. Do you know there are no roads? They just put in a landing strip. They only took 6 acres to produce the oil out of it. And you would find that you could mitigate at the same time while you're producing this. We walked up and saw three caribous coming right up to us. So you can actually have an environmentally sound way and actually produce more oil and actually make America more energy independent.

Now, the one thing I found most interesting in this, if you went to the Trans-Alaska Pipeline, you found in this pipeline it would transport oil produced up in northern Alaska all the way down to Valdez, and it would be shipped down into the lower 48. But the one thing I have found is that in 1989, this pipeline produced 2.2 million barrels of oil a day. Think about that for 1 minute, 2.2 million barrels a day. Today it only produces 720,000 barrels a day because in these fields, as you're bringing it up, every year that nothing happens, you lose 15 percent. And what is going to happen is when this pipeline gets down to 300,000 barrels a day, it will shut down. It has too little to go.

So, as this Congress continues to debate and as this Congress does nothing by not allowing the bills to come forward, we're about ready to lose a national treasure. And the American people have to understand, Mr. Speaker, that they consume 20 million barrels a day and only produce 7 million barrels a day. And as we sat there and looked at the wind and the solar and you talked to the individuals, where is the best place to put up these windmills? Where the wind blows. Where is the best place to put solar? Where the sun shines. Where is the best place to be able to explore and produce more oil? Where the oil is at.

And where the oil happens to be is 75 miles over. Ten billion barrels of oil sitting right there in ANWR. The ability to be able to get it where you have the transmission line to come in. You won't have to wait 10 years as we sat and talked to them. And the environmental footprint would be much smaller than it has ever been in the past. When they were drilling back in the 1970s, they would drill down, and they could not expand very far, so you had to have a numerous amount of wells. Today, the new technology allows one well to go down and go out 8 miles. So you could have fewer wells, fewer roads, mitigate the concerns when it comes to the environment, do it in a friendly, safe manner and at the same time create an energy policy with all the above, to have wind, to have solar, to have hydro, to have nuclear, and also actually produce more. Then what happens? This no longer becomes a red State versus a blue State. This becomes a red, white and blue American energy policy.

And when you think for one moment where the economy is at, $700 billion a year being shipped over to other countries, of whom we're funding, instead of creating American jobs, and you sit back and you think of this House, Mr. Speaker, you think of this floor. This floor should be created on the concept that the power of the idea wins at the end of the day. But as my good friend from Georgia pointed out, we can't even bring up a bill. We have no appropriation bills simply for the fact that the majority party does not want to have an individual to bring up an amendment. Why? Because it would pass on this floor.

Mr. WESTMORELAND. Well, if the gentleman would let me reclaim a little time, you mentioned the appropriations bills, and as the gentleman from California knows, there was an amendment offered by the ranking member of Appropriations, Mr. LEWIS, and when that was offered, that substitute was offered, Mr. OBEY just pulled the bill out of committee and refused to let it be voted on or to at least have a chance of discussion.

Mr. MCCARTHY of California. The gentleman is correct. And what did the chairman of Appropriations say? He said there will be no Appropriations bills this year. And then when we get up right before the weekend, the majority party brings up a bill that doesn't produce any more wind, it does not produce any more solar, and it does not produce any more oil or explore any more oil, on suspension simply for the fact that you can't do an amendment.

□ 2115

It is not the masses of the public holding back or the Members having a vote on this, it is the leadership. That's why I go back and I credit, Mr. Speaker, the Republican leadership to be open-minded about all forms of energy and not say no, you are going to pick one winner and one loser, it has to be all of the above.

I yield back my time to my good friend from Georgia, and thank him for the work he is doing and letting the American people know the way to go is all of the above.

Mr. WESTMORELAND. I thank the gentleman from California for taking time away from his family and actually traveling to ANWR in the Alaska area to see not only what it would do for this country in the production of U.S. oil, but also to create jobs. This is a job creator for Americans, good-paying jobs that they would have and not have to go to Saudi Arabia and other parts of this world to get that kind of employment. They would be able to have it right here in this country.

And now I am joined by the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank Mr. WESTMORELAND from Georgia for his leadership on this and so many other issues.

You have a poster down there that talks about American dollars going elsewhere. Have you talked about that poster yet tonight?

Mr. WESTMORELAND. No, sir, I have not.

Mr. PRICE of Georgia. Why don't you highlight that poster because that talks about the kinds of things that I would like to discuss.

Mr. WESTMORELAND. Mr. Speaker, this is a poster that we have, and this is the poster that really gets my blood

kind of hot, and I think it does for most other Americans, too.

When we realize who we are dependent on, when we talk about being dependent on foreign oil, exactly who are we talking about? I think this poster will give the American people an idea of some of the people we are talking about.

This poster says, America, get out your checkbook. In a recent interview on Al Jazeera, Chavez called for developing nations to unite against U.S. political and economic policies. What can we do regarding the imperialist power of the United States? We have no choice but to unite, he said. Venezuela's energy alliances with nations such as Cuba, which receives cheap oil, and are an example of how, and this is a quote, ''we use oil in our war against neoliberalism.''

Here is a picture of Fidel Castro and Mr. Chavez. This is the interesting quote. Or as he has put it on another occasion, and this is Mr. Chavez talking and that was in the Washington Post, ''We have invaded the United States but with our oil; not with guns, but with our oil.''

And here is the other part that most Americans do not realize, rather than having good-paying American jobs, rather than having the revenue from these oil leases come into this country and come into our pot, our government, our general account, rather than the royalties coming into us and us being able to lower our gas prices for all Americans, we write a check every day and this check is from American families and businesses to Hugo Chavez for $170,250,000 a day, a day. Not a week, not a month, not a year, $170,250,000 a day.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the gentleman for pointing that out.

Now Hugo Chavez is the president of Venezuela, not the president of an American oil company, not the president of a friendly nation, he is the president of Venezuela, and that's what gets my constituents so outraged, and that is instead of taking advantage of the American resources that we have to make American energy, what is this leadership in the House doing? It is forcing us to continue to give millions upon millions upon millions of dollars to folks who don't like us. Incredible.

T. Boone Pickens is doing ads on television right now. He talks about a $700 billion transfer of wealth every year, $700 billion from the United States offshore. And much of it to folks that don't like us. And why? Mr. Speaker, why? Because the leadership, the Democrat leadership in the House of Representatives will not even allow a vote on the floor of the House to make it so that we can vote on whether or not we ought to utilize American energy for Americans.

And I know that people get frustrated by talking about the processes. They say you ought not talk about the process. But in this instance the process is policy. The process is policy.

Here we had a Speaker who came into the majority leadership 18, 19 months ago. And what did she say, she said this was going to be the most open, the most fair, the most equitable Congress in the history of the Nation. And what have we had? We have had the most closed Congress in the lifetime of us sitting here.

We talk about what are called open rules which allow amendments or debate on a specific bill when it comes to the floor. This has been the fewest number of open rules that anybody can remember. It is phenomenal, much more so than what we were criticized for when we had the majority 2 years ago.

But what that failure of process means, what that closure of the process means is that ideas aren't able to be brought to the floor, votes aren't able to be had on bills that the American people care about. And in this instance, it is the American people's pocketbook. It is their livelihood. It is jobs. It is on American energy for Americans that the Speaker of the House will not allow a vote on this floor. It is unconscionable. It is unconscionable. I don't know if most Americans appreciate this is going on.

We believe that the process of bringing American energy to Americans is complex. It takes into account all sorts of different opportunities that we have. Conservation, we all believe in conservation. We are all getting greener.

Alternative fuel, we believe we ought to incentivize the creation of alternative fuel and not make it so that the government is picking the winner in the area of alternative fuel.

Mr. WESTMORELAND. If you remember, and Mr. Speaker, I am sure you remember this, H.R. 6 in January of 2007, which was the Democrat's energy bill, they precluded the American government, our agencies, from using the renewable fuels. And so that is an incredible thing. Part of the solution is going to be using and making these renewable fuels more affordable for all of us. But yet the biggest user of these fuels under section 526 of that bill, we are precluded from even using them.

Mr. PRICE of Georgia. It truly is remarkable because that is not what they said. They said we want to be open and we want to do all we can to make certain that the American people have appropriate energy. But when it comes to voting on the floor of the House, Mr. Speaker, they won't allow it. They won't allow it. That's what gets my folks at home upset.

Mr. WESTMORELAND. Reclaiming my time, the petition that I had up here, they won't even sign a simple petition that says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

Mr. PRICE of Georgia. So all it asks Members of Congress to do is say I will sign a petition that says, ''I will vote to increase U.S. oil production to lower gas prices for Americans.''

Mr. WESTMORELAND. Absolutely. You know, there have been 192 people who have signed it so far. I think six have been from the other side of the aisle, and the rest are Republicans, and there is a list on our Website at westmoreland.house.gov.

To the gentleman from Georgia, let me say, you have talked about process. I have talked about process. We have all come to this floor to talk about the process, and the fact that it is a broken process. The only thing that can come out of a broken process is a flawed product.

Mr. Speaker, we have to have the people of America get involved to help with this. We have to have the people of America engage. They have got to be part of the process, and they are going to have to engage and call their Congressman or Congresswoman to let them know, get out of the fetal position and let's do something.

Mr. PRICE of Georgia. And time is of the essence. We are here just this week and next week. After that, Congress goes on vacation. Congress goes on vacation. I have been ranting and raving every time when we close this House each week, usually on a Thursday afternoon at 2:30 or 3, that we are gone for another 3 or 4 days without addressing the major one issue of the American people. So in another week or 10 days, Congress will be gone for a month. And will we have addressed this issue? Not unless the American people stand up and hold Congress accountable, because I can promise you, what my good friends are saying at home is not what they are doing when they come right here.

Mr. WESTMORELAND. You are exactly right.

I wanted to read this one quote, Mr. Speaker, that I think will give the American people an idea of exactly what is going on because back in April of 2006 then minority leader, now Speaker PELOSI made a statement, ''Vote for us,'' the Democrats, ''because we have a commonsense plan to bring down the skyrocketing price of gas.''

At the time gas was probably $2.23 a gallon. Right now it is about $4.08. This was a statement that was made by Mr. KANJORSKI recently when he was campaigning. He was talking to one of his local papers. Here is what he said, and this was in reference to bringing home the troops out of Iraq, but it is just as good a reference to the energy crisis that we have. He said, ''We sort of stretched the truth, and the people ate it up.'' What a comment to make. ''We sort of stretched the truth, and the people ate it up.''

Well, Mr. Speaker, I think the people have chewed on this enough, at least I hope that they have chewed on it enough. Mr. Speaker, if I could speak to the American people, which I know I can't, but if I could, I would say if you've had enough, let your Congressperson know about it, that you are ready to do something. You're

ready for this body, this duly-elected body to put forth a plan to bring down not just the skyrocketing price of gas, but of food. Because as we have made efforts to have biofuels and ethanol, the price of corn has gone up. The price of all petroleum products have gone up. And what we are faced with is a gallon of milk costing more and a loaf of bread costing more, and they sort of stretched the truth. Well, I'm saying they stretched the truth a pretty good ways if they are talking about a commonsense plan to bring down the skyrocketing price of gas.

I see another one of my good colleagues, the gentleman from Marietta, Dr. GINGREY.

Mr. GINGREY. I thank the gentleman for yielding. I am proud to be with my colleagues tonight, and I know a lot of people might wonder, Members of this body, why Congressman WESTMORELAND continues to lead these special orders kind of in the evening, sometimes even later than this hour.

Mr. Speaker, as I think most people understand in this body, we in the minority have no other forum. We have no other opportunity. Bills are brought to this floor under suspension, no amendments can be offered. When bills are brought under regular order, we have a closed rule and amendments are blocked.

The gentleman from Georgia, Dr. PRICE, talked about Congress going on vacation for the whole month of August. So we have this week and next week to get something done. As he points out, by the time we come back after that so-called August recess, we are going to have children, we are going to have our school children in our districts across this country, in my district, the 11th Congressional District of Georgia, walking to school because our school districts are not going to be able to afford the gasoline to put in those great yellow buses that are in our neighborhoods year in and year out.

□ 2130

We are going to be putting our children at risk. We have already talked about the price of groceries, and this is killing our economy. There is no question about it. This is absolutely killing our economy.

My colleague, his petition, a simple petition that he just said, you know, how many are willing? How many Members of this body, Republicans and Democrats, are willing to sign this petition saying that we will support increasing domestic supply so we are not dependent on people like Hugo Chavez and other people in the Middle East, Iran, or Ahmadinejad, these people that absolutely hate us, that hate our way of life, hate our success, and want to bring us down. If we don't do something about it, they are going to bring us down.

So I think Mr. WESTMORELAND mentioned earlier the number of Members that had signed the petition; I believe he said 192. I think he said that most of those were Republicans; I think there were a number of Democrats. How many Democrats, Mr. WESTMORELAND?

Mr. WESTMORELAND. Six as of now.

Mr. GINGREY. Six. Correct me if I am wrong, but I believe the Democratic majority enjoys a membership of 237, something like that, 237. Out of 237, six of them have signed this petition. Now, I don't know what percentage that is, my math is not that quick, it's pretty low, and you have got 186 Republicans out of about 198. That's a pretty darn high percentage of Republicans. It doesn't really make a lot of sense.

I am going to close my time, and I appreciate the gentleman yielding. Tonight I did one of these tele-town hall meetings where we call into our district. Both of us have done on both sides of the aisle, very popular, a great way to communicate with our constituents. I talked to people in three of my nine counties in northwest Georgia, Carroll, Haralson and Polk, great counties. In fact, Mr. WESTMORELAND and I share Carroll County.

Most of the questions were about energy and why in the world Congress was not doing anything. So why are you all not doing anything?

The final question, the lady said, I don't understand, with the poll numbers across the country, and people wanting us to drill now or drill here, and bring down that price of oil to give us some relief, why is Congress refusing to act?

I said to her, you know, from the political perspective, if somebody on the other side is trying to commit political suicide, well, you know, we stand back and let them do it. But in this instance, we can't afford to let them commit political suicide, because the people are suffering. The people are suffering. Republicans, Democrats and independents, and we need to come together in a bipartisan way and get this done.

As Mr. PRICE said earlier, we have very limited time. I am so thankful to Mr. WESTMORELAND for doing this, for bringing it to the attention of our colleagues. If anybody else happens to be watching out in the country, God bless them, because you need to call your Members of Congress and let them know how you feel.

I yield back to my colleague.

Mr. WESTMORELAND. I thank the gentleman. I too did a tele-town hall tonight and talked to about five of my counties.

The last person on the line was a gentleman by the name of Ken. Ken asked me, he said, why can't you all come up with a solution together? Why can't you do that?

I said, Ken, that's a great question, and I tried to answer Ken the best I could, but it was hard to answer it without getting into floor procedures and the parliamentary procedure. Basically what I tried to tell Ken and the other 500 or so people that were on the call is that, listen, when you have 218 votes in this body, you can do anything you want to do. You can have a good idea. You can have a great idea. You can be 100 percent right in your idea and your thoughts.

But if you don't have 218 votes, you don't have anything. You can't even get it to the floor.

That's what's happened here, even though 73 percent of the American people polled said, look, let's drill here, let's bring down our price of gas, let's become more dependent on our own natural resources rather than giving $170 million in American jobs to Hugo Chavez, let's invest in our own futures, let's invest in the future of our children and grandchildren.

That's what they are saying. When somebody like Ken asked me that on a call, why can't you get along, we can't even get our point out. As Mr. GINGREY from Georgia said, this is the only way we have got to do it is come to the special orders on the floor of the House and try to convince the American people to get involved.

You know, we are a government of, for and by the people, but if the people aren't engaged in it, then it's not going to work. Seventy-three percent of the American people have answered polls and said, look, let's drill. But, yet, the majority party, who represents probably a little over half of the American people, have said November. But the Republicans, the minority, who represent the other half of the American people, have not had an ability to put their ideas on floor.

We have discharge petitions, and a discharge petition is something if you can come up with 218 signatures, supposedly, it would get to be on the floor. We had one the week of June 9 that said No More Excuses Energy Act of 2007. Reduce the price of gasoline by opening up new American oil refineries, investing in clean energy resources such as wind, nuclear and capture carbon dioxide and making available more home-grown energy through environmentally sensitive exploration or the Arctic energy slope in America's deep-sea energy resources.

Then on the week of June 16 we had another discharge petition, which is over here every day for Members to come sign that says, Expanding American Refining Capabilities on Closed Military Installations, reduces the price of gasoline by streamlining the refinery application process and by requiring the President to open at least three closed military installations for the purpose of siting new and reliable American refineries. We even had that in a motion to recommit that was voted down. But this is over here readily available to be signed every day.

Week of June 23, the repeal of the ban on requiring alternative fuels, as I mentioned before, we have a ban on alternative fuels for our government agencies. It reduces the price of gasoline by allowing the Federal Government to procure advanced alternative

fuels derived from diverse sources such as oil shale, tar sands and coal-to-liquid technology.

The week of July 7, the Coal-to-Liquid Act, reduces the price of gasoline by encouraging the use of clean coal-to-liquid technology, authorizing the Secretary of Energy to enter into loan agreements with coal-to-liquids projects that produce innovative transportation fuel. Take the burden off of aviation fuel, off of our military.

You know what? This creates American jobs. This puts people to work.

The week of July 14, the Fuel Mandate Reduction Act of 2007, reduces the price of gasoline by removing fuel blend requirements and onerous governmental mandates if they contribute to unaffordable gas prices. It's right over here every day for people to sign.

This week, American Energy Independence and Price Reduction Act, reduces the price of gasoline by opening the Arctic energy slope to environmentally sensitive American energy exploration. The development footprint would be limited to one one-hundredth of 1 percent of the refuge. Revenue received from the new leases would be invested in a long-term alternative energy trust fund.

Those are opportunities that each Member of this body and each delegate of the U.S. territories across this world have an opportunity to sign, yet we don't even have the 218 yet. So these are opportunities.

When people go home on these resources, and as my gentleman, my friend from Georgia said, we get out on a Thursday about 2:30 while other people are hard working trying to earn enough money to buy their gas, but let us hear from you. If I could speak to the people, I would tell them, we need your help to move this.

I see the gentlelady from North Carolina, my good friend and classmate that came in at the same time I did, Ms. FOXX.

Ms. FOXX. Thank you, Congressman WESTMORELAND, it's a treat to be here with these Georgians tonight, I guess we will call it southern night. We certainly do understand each other when we are speaking.

I was pleased to hear Congressman GINGREY saying, quoting his constituents, saying, why won't you all do something about this? Well, I hear that kind of question all the time too. It takes a real practiced tongue to say it the right way too.

But I think it's important, as you are pointing out, that we distinguish who is in charge here. We see a lot of polls being done, and we know that many Americans don't realize that the Democrats are completely in charge of the Congress. Now they want to put the blame for this problem on the President and Vice President, but we know the President and Vice President can't pass laws. It's only the Congress that can do this, and the Democrats are in charge of the Congress.

I was over here several nights last week making that point. I think it is very, very much up to us to point out to the American people that it's the Democrats who are in charge.

They are the ones who can help solve this situation, but they seem totally out of touch. They don't understand, I think, what is going on at the polls. When you have people in Congress who have been in Congress for over 50 years, and some of their chairmen have been here over 50 years, many of them have been here 40 years, many of them 30 years, I think they are totally out of touch with the American people.

They are not used to buying their own gas, they don't go home on weekends, they don't hear from their constituents in the same way that we do. We know that they are the ones in charge, and they can do something about this. They, again, want to deflect the problem, but we have the statistics on our side, and I think we have to keep reminding the people about that.

When people ask me why, why won't the Congress do something, you know, I don't really have a good answer for them. I am wondering if it's because they are so out of touch, and they don't know how the American people are suffering as a result of the high gas prices. I am not usually a person who thinks in nefarious ways, but I wonder if sometimes they don't want the people to be as miserable as possible, because they think they can blame the President, and they can blame the vice president for what's happening.

That's the only answer I can come up with. I can't really understand why the Democrats, who claim to represent average people, want the average people to suffer the way that they do.

I didn't get a chance to hear all of the comments that my colleague from California, Mr. MCCARTHY said, when he was on the floor earlier, but I do want to put in a plug for our drilling in Alaska, for our drilling wherever we need to.

The Democrats keep saying we can't drill our way out of this. We can't drill our way out of this.

But I do believe, like my Republican colleagues, that it's important that we take advantage of the great gifts that the good Lord has given us in this country to use on our behalf. We have the mechanisms to be energy independent with American-made energy.

I want to point out, again, that even the newspapers are calling on the Congress, but not all of them are pointing out that it's the Democrats, some do. The Las Vegas Review Journal says, ''The ball is with Congress, will Democrats continue to block the development of energy resources?''

That is such an important question to ask, and it's important again that every newspaper in this country point out that it is the Democrats that are blocking the development of resources. The Lafayette Daily Advertiser in Louisiana, ''Congress should back drilling.'' Now, the Republicans do back drilling. The Democrats do not.

The Daily Inter Lake in Montana. ''Drilling, will Congress ever act?'' We need to point out again that they should be saying, Will the democratically-controlled Congress ever act?

Newspaper after newspaper is coming out and saying that we, Congress, need to act on this. It is not the Republicans who are in charge. The President and the Vice President can't do anything about this. As my colleague from Georgia said earlier, drilling and creating our own energy will create millions of jobs in this country.

Again, the Democrats claim to be the party that wants to create jobs, that wants to help average Americans, but they are standing in the way of doing all of that.

You know, I have jokingly said here that they think they are so powerful that they can repeal the law of supply and demand. Now, that's what they think. They think that just through conservation efforts and just by talking, you know, it's sort of like the Wizard of Oz. There is nothing really behind that screen. They promised us a commonsense plan to bring down the price of gasoline.

□ 2145

The chart that my colleague showed a little while ago, the price of gasoline has almost doubled since the Democrats were in office. I don't know what the American people would have gotten had they made some other kinds of promises, but promising to bring down the price and then doubling the price—you know, I go back to the quote that was used by Mr. KANJORSKI: ''We sort of stretched the truth and people ate it up.'' Well, that is what they are doing now, too, about the leases. They are saying, oh, we don't need to drill. The oil companies have all these leases that they are not using. But I think it is important that we debunk that. We had the Truth Squad last year. We have got to bring the Truth Squad out again.

The oil companies do have some land that has been leased, but the oil companies report to their shareholders they are not going to waste good money drilling where there is no oil or no potential for getting oil. Even the Democrats voted against this ridiculous ''Use It Or Lose It'' bill that they brought up for the second time last week.

Again, I think we have to remind the American people, we could produce enough energy in this country to become totally energy independent. We need to start now, but we need to remind them, the Democrats are in charge. Call your Democratic Member of Congress if you are represented by a Democrat, and tell them, you want them to drill now. You want them to do all the alternatives.

We Republicans support conservation. We support all of the above. But we can do it. We have always done it. And I now yield back my time to my colleague from Georgia.

Mr. WESTMORELAND. I want to thank the gentlelady from North Carolina.

I want to thank the Speaker, too. I didn't realize who the Speaker was until just now. But I want to thank the Speaker for what we did a couple of weeks ago in a 2-hour Special Order where we had bipartisan participation. And I think the American people, Mr. Speaker, enjoyed it. I know that you said you enjoyed it. I enjoyed it, and hopefully we can do that again.

I want to comment, the gentlelady from North Carolina made a comment about the Democratic majority calling on the President to do something. Well, he did do something. He removed the executive ban on drilling in the Outer Continental Shelf, and he called on Congress to do the same thing. We have yet to do that.

But just the mention, just the mention of that, oil went down $10 a barrel. Then just the mention, the discussion, even though it was more snake oil than anything else, that the majority had last week on a bill that they called DRILL for some reason, oil went down again.

And so I think that, and if you look at the spike in oil prices, and I don't have the chart up here with me tonight. I do have the chart that shows the 12 years of the Republican Congress of gas going from $1.44 to $2.10. In the 18 months that the Democrats have been in charge of Congress it has gone from $2.10 to $4.11.

Let me give you just a little bit of background about that, because if you look at a chart in May of 2007, the speculation in the oil prices just shot up, and for good reason.

We had an amendment on this floor that Mr.—I believe that was the gentleman from Colorado that said, no more drilling for shale oil. Two trillion barrels. And I believe, Mr. Speaker, that is more than Saudi Arabia has in crude oil that we have got in our western States in shale oil, and this Congress, by a very narrow vote, said nope, we are not going to take that out. We are going to leave that two trillion barrels of oil in there.

It was at that time that we saw the spike because what people realized is, hey, look, they are not going to take care of their own resources. They are not going to increase their production. They are going to be dependent on other countries to supply it.

And then, on the reverse, just the mention of drilling dropped the price of oil.

I would like to yield some time to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank my colleague for yielding because the issue of oil shale is, I think, the untold story that is truly one of the secrets to making, allowing America to be energy self-sufficient or even energy-independent.

As you say, the vote was held here on the floor of the House to make it so that America couldn't use its resources.

Some of my friends are fond of saying that America, under this Democrat leadership, is the only nation on the face of the earth that views its natural resources as an environmental hazard instead of a national asset. It is truly phenomenal.

You mention that the oil shale resources that we have here, in the United States, in the lower 48, would possibly provide two trillion barrels of oil.

Now, we throw around big numbers here in Washington; we are fond of doing that. But what does that mean, two trillion barrels of oil?

It is not only more than the oil that is present in the Middle East. Mr. Speaker, it is more than twice as much as the entire earth has used in the last 150 years. It is more fossil fuel than the earth has used since it began, since man began using fossil fuel for energy. It is an absolute phenomenal amount of natural resource. And the thing that has made it accessible is that we now have technology that is available to utilize it and mine it in a way that is environmentally sensitive and environmentally sound.

But what does this leadership say? What does the Speaker say? Oh, no. Oh, no, we wouldn't want to do that because, as my friend from North Carolina says, we believe that we can actually repeal the law of supply and demand.

Well, I will tell you, Mr. Speaker, what my friends and my constituents at home say. They want to be able to use American energy for Americans. So we have got to conserve. We have got to find that alternative fuel. But in the meantime, in the short-term, in the near term we simply must increase supply, onshore drilling, exploration, offshore deep sea exploration, utilizing oil shale, clean coal technology, making certain that we have enough refineries, more refineries to be able to refine the product that we have, all of those things go into the mix to making it so that America can be energy self-sufficient so that we can bring down that spike in the cost of gasoline at the pumps, and in the cost of home heating oil which is, although it is hot right now, it will be cool relatively soon. And our friends in the Northeast, who are so fond, apparently of this current Democrat majority, with this Speaker and this Democrat majority, they will find out what this leadership has brought them, and it has brought them incredibly skyrocketing prices in the area of home heating fuel.

So I hope that people are paying attention to that as they look at their newspapers and as they look at their ballots, Mr. Speaker, as they evaluate who they believe ought to be leading this Nation.

I will tell you, Mr. Speaker, that I believe that the commonsense agenda is an agenda that embraces all technologies, embraces all technologies in a way to increase American supply of energy for Americans. We would hope that we would be able to do that in a bipartisan way. Our friends on the other side though, in terms of the leadership, haven't allowed that to happen. But we look forward to the day when we are able to lead and lead with both Republicans and Democrats to bring together, American energy for Americans and bring down the cost of gasoline for our constituents all across this land.

I want to commend once again my friend from Georgia for his leadership on this and so many issues. I look forward to being with you again.

Mr. WESTMORELAND. I want to thank my good friend from Georgia for those comments. And we have all said here tonight, and as Ken asked me, Mr. Speaker, on that teleconference call, why can't you work together?

And Americans all over this country are wondering why, when 73 percent of them say drill here, lower our gas prices, they want to know why. And I want to give just a little insight into why.

I want to read you some quotes, and this quote is from the Sierra Club, and you can go to probably their Web site or at least the FEC reports and see which Members have gotten money from this group. But this is the Sierra Club. ''The Sierra Club opposes any general program to lease Federal oil shale reserves for production purposes. The Sierra Club opposes development of the oil resources on the Outer Continental Shelf.''

The U.S. has an equivalent of 1.8 trillion, two trillion barrels of oil in the oil reserves.

Greenpeace said this: ''Let's end fossil fuel use. For decades we have relied on oil, coal and gas to meet our ever increasing energy needs, and now we are facing the consequences of our actions in global warming.''

Now, keep in mind, when they say let's end fossil fuel use, 85 percent, Mr. Speaker, of U.S. energy consumption is supplied by fossil fuels.

League of Conservation Voters: ''Drilling in protected areas offshore won't solve our energy needs in the short-term and in the long-term will increase the threat of global warming.''

Natural Resources Defense Council: ''Oil and gas production is a dirty process. Drilling in the Arctic refuge would ruin one of America's last wild places. The Arctic refuge is simply too precious to destroy.''

Mr. Speaker, I don't know if a lot of Americans have ever seen that Arctic refuge, but it is a frozen tundra. I have never seen a tree on it.

Friends of the Earth: ''Even if the burning of coal was not a major greenhouse gas contributor, the coal industry is a disaster when it comes to environmental stewardship and human health.''

Center for Biological Diversity: ''Oil and gas exploration directly disturbs wildlife, destroys precious habitat, and can result in catastrophic oil spills, as well as dangerous blowouts that kill people, ignite fires and contaminate surface drinking water.''

Mr. Speaker, I want to ask the American people, how many of you have heard lately of a catastrophic oil spill? Even with our oil wells with Katrina and Rita, how many of you have heard of dangerous blowouts that kill people? How many of you have heard of these fires being ignited? How many of you heard of the contaminated drinking water from our oil platforms? None.

Mr. Speaker, this is the reason we can't get anything from the Democratic majority, because, Mr. Speaker, these environmental groups are controlling the agenda on this House floor when it comes to the U.S. production of oil. And Mr. Speaker, I am afraid that there is nothing the minority can do about it except stand here and beg the American people to become involved.

H.R. 6, which was the Energy Independence and Security Act of 2007, that was passed by the Democratic majority, this is the one, the commonsense energy plan to bring down skyrocketing gas prices. And as you saw on my other chart, they have almost doubled.

Here are the words in that 316 page bill. Crude oil was mentioned five times, gasoline 12, exploratory drilling, two, offshore drilling, none, Domestic drilling, none, domestic oil, none, domestic gas, none, domestic fuel, none, domestic petroleum, none, gas price or gas prices, none, common sense, none, light bulb, 350 times.

Mr. Speaker, we called it a no energy plan, and this is a quote from Mr. DEFAZIO about the comments the Republicans made about H.R. 6, the Common Sense Energy Bill. ''It is sad to see the Republicans come to this. Now they will laughably say this will lead to higher gas prices.''

That was January 18, 2007, when gas was about $2.10 a gallon. It is now $4.07.

Mr. Speaker, I beg, I implore the American people to become involved. Go to house.gov/westmoreland; find out where your congressman is at. See if they won't have the will to sign that petition to let you know, Mr. Speaker, the constituents of the people elected to this body, that they believe in lowering gas prices for all Americans.

Mr. Speaker, I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Mr. WELCH of Vermont (during the Special Order of Mr. WESTMORELAND), from the Committee on Rules, submitted a privileged report (Rept. No. 110–766) on the resolution (H. Res. 1362) providing for consideration of the Senate amendment to the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3221, AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Mr. WELCH of Vermont (during the Special Order of Mr. WESTMORELAND), from the Committee on Rules, submitted a privileged report (Rept. No. 110–767) on the resolution (H. Res. 1363) providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2200

THE MORAL COMPASS OF THE UNITED STATES IN ITS QUEST FOR VICTORY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the greatest deliberative body the world has ever known—the United States House of Representatives.

I am pleased to be a part of this institution that has elections every 2 years, which requires us to put our fingers on the pulse of the American people. Even though most of us don't like the idea of a 24–24–7 campaign, that being 24 months, 24 hours a day, 7 days a week, you set up a perpetual motion machine, and you make sure that the people on your staff and those who are working with you are out there constantly with their fingers on the pulse, listening, talking.

Part of my job is to listen, and part of my job is to project the things that I learn and the things that I know. We have people in this Congress who decide, well, their job is simply to vote the majority opinion of their districts. They don't necessarily consider whether the district is right or wrong as far as the majority is concerned. They just try to put their fingers on the pulse and decide, well, let's see. If 51 percent of the people think this way and if 49 percent of them disagree and think the other way, then if I come down on the side of the 51, then I'll be able to keep coming back here to Congress and sort out the opinions and be, let me say, the barometer of the people in their districts.

Mr. Speaker, I think that's wrong; I think that's narrow, and I think that's shortsighted, but I do believe we have a responsibility to listen to our constituents. We have a responsibility to listen to the people in our States whether they're in our districts or not. We have a responsibility to listen to the American people across the board.

In the end, each one of us—each of us 435 Members of the House of Representatives and every one of the 100 Senators on the other side of the rotunda—has a responsibility. We owe Americans and especially our constituents our best judgment. That means we listen to the people in the district and across the country. It also means that here we are where we are, in a way, the epicenter of information for the world, where information comes pouring in here, and if I need to find an answer to a question, I ask somebody and the answer comes, and it comes almost always in a form that I can use it and incorporate it into the argument that I'm making and further enlighten.

So we have access to more information here than most people have, at least across the country, and they're out there doing a good job. They're on the Internet, and they're reading, and they're watching the news, and they're thinking and having these conversations across the country. Their conversations help shape the middle of America. If some people weigh in on the right and some people weigh in on the left, it kind of comes out to a balance. It's going to balance. It's a moving fulcrum in the middle.

What we need to do is to take this access to information that we have—and we owe the people in this country our best judgment—and we need to weigh the information. We need to apply our best judgment to the real data that we have, and if we disagree with the majority of our constituents, that doesn't mean that we go vote the way they think we should. We may do so, but we have an obligation to let them know, perhaps, both sides of the argument and to step in and to make the case. Sometimes we're called upon to go back and to inform the people in our districts of the things that we know even though we know very well that they may disagree with our positions.

The first thing we have to do is to do what is right for our country. The second thing we have to do is to do what's right for our States. The third thing we need to do is to do what's right for our constituents. I have said a number of times that, if it's good for America and not good for Mom, I'm sorry, Mom; we're going to find another way to take care of you. My first obligation is not with individuals but with the broader, overall good for the destiny of this country. Often those things come together, and almost always they do.

I actually can't think of a time when I've had to put up a vote that was contrary to the wishes of my district or was contrary to the best interests of my district, but that's where I draw the line—an obligation. I owe the people in this country my best judgment

because that's essentially what they have endorsed in the election, and I owe them my best effort.

When you put those two things together and if we all did that, if we all stood on principle and offered our best judgments and our best efforts, if every motive in this place, Mr. Speaker, were an altruistic motive, this country would be a lot better off than it is today.

I lay that backdrop, Mr. Speaker, because I'm watching what has unfolded as we near the Presidential election in November of this year. We've all seen on the news the massive media coverage of the trip that was made over to the Middle East and to other parts of the world by the presumptive nominee for President for the Democrat Party.

I am troubled by what I read in the New York Times on January 14, in an article written by Senator OBAMA, where he laid out his plan and his strategy for Iraq. He was going to Iraq. He is there today on a factfinding mission. Today is the 21st or 22nd of July, but his article was posted on the 14th of July. It told everybody in America what he was going to find when he arrived over there on his factfinding mission, and it had been almost 900 days since he had been there. He had been there one time, Mr. Speaker, one time, and he drew conclusions. I don't actually know what he saw then, but he drew conclusions, and he had conclusions before he went. He didn't change his conclusions when he came back.

So, this time, he posted an op-ed in the New York Times that said, in part: On my first day as President, I will order a troop withdrawal from Iraq. That's what he said a week before he arrived in Iraq on a factfinding mission.

So, Mr. Speaker, I pose this question: I think he got it exactly backwards. I think, when you go on a factfinding mission, you can lay out what you think before you go. That's perfectly appropriate. To lay out the decision you're going to make after you're there and you gather the facts and you announce that before you go gets that exactly backwards. A factfinding mission needs to be just that. If you go into an area, you can say, ''Here is what I know. Here are my fundamental beliefs, but I'm going to talk to the people on the ground.''

He met with General Petraeus. I would go and do that again myself. I've done it a number of times. I would meet with Ambassador Crocker. I would meet with General Odierno. I would meet with troops from my home State. I don't know if he did that.

I have many times walked into a mess hall over in Iraq and also in Afghanistan and have just hollered out ''Anybody here from Iowa?'' Then they'll come around and gather around the table. That has actually been successful all but one time. There was once when I went into the mess hall when there wasn't anybody from Iowa, but that's how I find out what's going on over there. I know, when I sit down at the table with soldiers, airmen, sailors, and marines from my home State, they will look me in the eye and will tell me the truth as straight as they know it. Sometimes they'll ask me to come off to the side, and they'll tell it to me real straight. They do that, and I can believe them because we're from the same State. We always know somebody whom we both know or somebody we're both related to or somebody whom they're related to or they're from a town where I'm from. As to this level of credibility that comes from people from the same locale, they're going to tell the truth because they know that those conversations go back and forth through the neighborhood. Plus, they're honest people and they're solid people, and they're honorable soldiers and Marines who are over there with their lives on the line for us.

I wonder what those soldiers from Illinois might have told the junior Senator from Illinois. I wonder if he gave them a chance to do that. I wonder how he interpreted it. I wonder what kind of message it would have been to a fellow who had served 147 days only in the United States Senate who had then decided that he had had enough experience to be President of the United States. I wonder if they told him what they tell me.

I can tell you what they tell me, Mr. Speaker, and it is consistent, and it is without dissent from the people I talked to, and I'm open to all of them who come to me. They say, ''Let us finish our mission. You can't pull us out now. We are all volunteers. We're volunteers for this branch of the service. We knew there was a high likelihood that we would be ordered to deploy to this part of the world. We re-upped knowing that. Everybody in here signed up knowing this was a mission that they were most likely to be ordered on. We want to stay here and take on this fight and finish this fight to take the battle away from our children and grandchildren.'' That's the direct message that I've received over and over and over again in those parts of the world where we have troops deployed. I have an obligation to go over there and to visit with them and to pick that up from our line troops, from those people who are out there on patrols on a daily basis, from those people who are out there working in 125-degree heat with bulletproof vests on.

I notice that the junior Senator from Illinois arrived and got off the plane in Baghdad and had some pretty good photo ops while in shirt sleeves. I listened to the former admiral from Pennsylvania who spoke in the media here in the last couple of days. He would be JOE SESTAK, Congressman SESTAK, who made comments on, I believe it was, Good Morning America and also on Hannity and Colmes that there were at least three points on which the President and JOHN MCCAIN had come to Obama's position. I listened to that and thought: How could that be?

Well, he alleged that the President is adopting Obama's position on pulling out of Iraq and in setting a timeline. He also spoke about a couple of other issues there that he argued were Obama's positions—set a timeline, pull out of Iraq, et cetera.

I'll submit this, Mr. Speaker: The junior Senator from Illinois could not have stepped off of the airplane in Iraq in shirt sleeves or in a bulletproof vest and wearing a helmet, which most had to do when they went over there during the height of this conflict. He could not have done that today or yesterday if it hadn't been for the surge, if it hadn't been for President Bush in ordering the surge and if it hadn't been for General Petraeus in designing the surge and if it hadn't been for JOHN MCCAIN in supporting the surge and if it hadn't been for people like me who also supported the surge.

I introduced a resolution in this Chamber in February of 2007 that endorsed and supported the surge. I'm on record, Mr. Speaker, and I'm on record tonight in saying BARACK OBAMA could not have set foot in the places that he did in Iraq if it hadn't been for President Bush's being bold enough to issue the order to follow through on Petraeus' idea and if it hadn't been for the support of Members of this Congress and of the Senate and of the support of people like JOHN MCCAIN who said this is a good alternative. It's a far better alternative than pulling out of Iraq and turning it over to al Qaeda.

In fact, if we had followed the leadership of the junior Senator from Illinois, we would have pulled out of there in 2005, and we would have turned Iraq over to al Qaeda. Instead of saying, ''well, Prime Minister Maliki, I think you ought to adopt my timeline on 16 months to pull troops out,'' he wouldn't be over there. The prime minister wouldn't be Prime Minister Maliki if we'd followed the leadership of the junior Senator from Illinois. It would likely be Prime Minister Zarqawi who would be there. Al Qaeda would be in control, and the Iranians would have flowed over across the Strait of Hormuz, and their influence within the Shiia regions in the south would be controlling much of the oil in the southern part of Iraq.

We have to think about what the consequences would have been had we pulled out when this supposedly visionary Presidential candidate, as the gentleman from Pennsylvania said, argued that the vision, the insight, of the junior Senator from Illinois is outstanding and impressive.

I say, no, it's utter failure. It's failure to understand that Iraq is a strategic part in the world, and the consequences of failing there cannot be measured against the advantage of having a couple of extra brigades that can be deployed into Afghanistan. When America accepts defeat, other Americans die. Later generations of Americans die. Other people, free people in the world, lose their freedom, and many of them die.

I have a constituent who is a refugee from Cambodia. She came here when she was 9 years old, and she lost a number of her relations in the killing fields in Cambodia, and she didn't see her father for years. She was kept away from her mother because she was put into a labor camp, a re-indoctrination camp, because the leadership in Cambodia concluded that the parents were a bad influence on the children. They wanted to change the culture of a generation, so they killed many. This is a result of our lack of will.

□ 2215

We didn't lose the war militarily in Vietnam. That didn't happen. We won every battle. We won every engagement. We tactically checked the North Vietnamese. We lost the battle in Vietnam right here on floor of the United States House of Representatives when they passed appropriations legislation that prohibited any dollars appropriated and any dollars heretofore appropriated, that means money that's already been sent that way and any new money, none of it could be spent on the ground or in the air over Vietnam, North or South Vietnam or Laos or Cambodia or offshore in the South China Sea.

We could not support the South Vietnamese. We trained them up, we gave them munitions, and we made them available, and they were ready so they could defend themselves. This Congress shut off the money. They shut off the ammunition to the M–16s that were in the hands of South Vietnamese soldiers. They shut off the heavy weapons like tanks and artillery, and they shut off the air cover that we had guaranteed. We guaranteed them we will provide you with the equipment that you need, the munitions that you need, and the air cover so that you can defend yourselves.

And we went through Vietnamization, and we trained the South Vietnamese military, and this Congress pulled the plug on them and broke that faith with the South Vietnamese people, and we wonder why they ran in front of the invasion when the North Vietnamese stormed down into South Vietnam? And the answer is, they didn't have a lot to shoot back with, Mr. Speaker. They didn't have anybody to support them, Mr. Speaker.

And 10s of thousands of them died. Many of them got into boats and tried to get out of the country. Many of them were sunk in ships going off of South Vietnam. A lot of them, though, got here to the United States where they started new lives, and this calamity flowed over into Cambodia.

All together, people in this Congress that were here then, a few, those that put up that vote, those that advocated for pulling the plug on our commitment to support South Vietnam seem to think that they saved American lives, and in reality, they probably temporarily saved American lives but 2 to 3 million of God's children died in the aftermath because we didn't keep faith with our word and we didn't keep faith with the South Vietnamese.

And so I will tell you, Mr. Speaker, that in General Giap's book, the North Vietnamese general who is credited with being the mastermind to what they celebrate as a victory over the United States, wrote in his book on page 8: ''We got the first inspiration that we could defeat the United States because the United States didn't press for a complete victory in Korea.'' In Korea, Mr. Speaker.

The Vietnamese understood that because we didn't press for a complete victory there, we settled for a negotiated settlement, and we set up a DMZ on, I think, it's the 38th parallel. When we did that, they saw that we did not have the resolve to finish the fight.

And so they began a tactic of undermining American public opinion, and the people in this country that marched in the streets and those who would undermine our troops just assuredly empowered the enemy.

And so this Congress put up the vote that shut off the support for the South Vietnamese, pulled all of our troops out of there, and in the collapse that happened, we saw the shame of lifting people off of the U.S. embassy in Saigon.

The people in Iraq remember this. Our enemies across the world remember what happened in Vietnam. Al Qaeda and Pakistan, and to the extent that they're in Afghanistan, and the very few remnants of al Qaeda in Iraq, they all understand. They've been marketed to by their leaders. They know what happened. They believe the United States lacked resolve in Vietnam.

They saw when the terrorists bombed the Marine barracks in Lebanon that we pulled out of there. They saw that even though there were all of 500 that were killed in the other side in the battle at Mogadishu, we lost 18 soldiers there, they saw us pull out of there. They saw us blink in the face of a conflict and not have the stomach for it. That's how they saw it.

I saw brave Americans step up every time they were given the order to do so. I never saw an American back up. I saw American politicians back up. I didn't see our soldiers, airmen or marines or sailors back up.

But when the politicians backed up, that put a marker down that inspired our enemies, and it may have, in Vietnam, saved some American lives, but in the long run, it put American lives at risk because our enemies were empowered throughout the generations.

I know this to be fact. Osama bin Laden has said so. Some of his other leadership has said so, and on June 11 of 2004, I was in Kuwait waiting to go into Iraq the next morning. I had a television station on, Al Jazeera TV, and there was an English closed-caption going on while the language was in Arabic. Moqtada al-Sadr, the infamous leader of the Mahdi Militia who now seems to have taken a far lower profile, Moqtada al-Sadr came on television and he said on Al Jazeera TV, If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way that they left Lebanon, the same way that they left Mogadishu. That's the message that he was pounding through Al Jazeera TV. Everybody in the Middle East could hear that message.

Now think for a moment, Mr. Speaker, what kind of a message does that send out to all of the rest of the sympathizers of our enemies, the radical Islamists, the jihadists, the people that are inclined to be supportive—and by the way, I asked the question of Benazir Bhutto while she was in Iowa giving a speech after September 11, I said: What percentage of Muslims are inclined to be supportive of al Qaeda? What percentage of Muslims are inclined to be supportive of al Qaeda? A straight, objective question that some will say, well, there's a bias built into the question. I don't think so.

I asked her that directly, and her answer was not very many, perhaps 10 percent. And the way it came off of her tongue said to me she had been asked the question before, she had answered the question before. Daniel Pipes puts that percentage at 10 to 15 percent, Mr. Speaker.

And so when you do the math, if it's 10 percent of 1.3 billion people, that's 130 million. That's a lot of people that are inclined to be supportive of al Qaeda. They are scattered across the world. And as we know, look in this country, the radicals in America show up, they come from really every State and many of the walks of life, and they're a small percentage, probably not 10 percent, but when they come to the streets of America, you get an entirely different message. And they recruit to each other, and they use the Internet to do that, and they come out on the streets and protest.

And so think of it in those terms. If you're a radical and you are marketing, trying to recruit other radicals, you aren't going to get 90 percent of the society. You're only going to be able to market to 10 percent, maybe 15 percent, those that are inclined to be supportive, but from that 10 to 15 percent, you can recruit a lot of fighters.

If you're al Qaeda and you are marketing to that 130 million people or maybe as many as 200 million people, if you take Daniel Pipes' number of going as far as 15 percent—let's just say 200 million people—on the planet that are inclined to be supportive of al Qaeda, as high as 15 percent of the Muslim religion that are those inclined to be radical, and now what happens when you have Moqtada al-Sadr say, If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, Lebanon and Mogadishu, some of those out there hear that message and some of them migrate towards the center, the center to where they can be recruited to fight for al Qaeda and attack and kill Americans.

That's gone on. That's gone on in Iraq since the beginning of the operations in March of 2003. It goes on in a far weaker effort today, but think of this. Think what happens if we pulled out of Iraq. If we have a Commander in Chief who has said we can't win, it's a loss, we're already defeated, the surge is a failure—oh, yes, the junior Senator from Illinois said repeatedly the surge is a failure, it can't work. Now, today, he can't say that out loud, but he said that in the past. He tore the things down off of his Web site that declared the surge to be a failure. And now the posture is, well, some things have happened there that have provided better security, but we need to pull our troops out and we need to pull them out on a timetable.

Well, here's something that you need to know. When there is a war, there is a winner and a loser. Both sides will seek to declare victory if there's any way that they can do that, but a declaration of victory does not constitute a victory. What constitutes a victory is achieving your objectives. Our objectives in Iraq were to provide freedom for the Iraqi people, leave them in control of their country, promote a moderate Islamic State that actually will have people going to the polls to elect their own leaders and direct their own destiny. And we hope against hope that they will be a strong ally to the United States.

And Mr. Speaker, in the times that I've made the trip over there, I surely have concluded that the Iraqis do intend to remain a strong ally to the United States. When I talk with their leaders, when the Mayor of Ramadi comes in and begins to talk about needing sewer and needing more electricity, needing more power, needing some roads, that sounds to me like maybe the Mayor of Des Moines, as opposed to the Mayor of Ramadi.

They do appreciate the sacrifice of the American people, and 4 years ago, the situation was this. Yes, all the Iraqis wanted the Americans to leave, just not anytime soon. They wanted to have control of their country. They wanted to be able to provide the security so that they didn't have violence going on constantly, and now that they're close enough, they are starting to feel like they can control their own country and provide security in their own country.

So that's the political push that Maliki is playing to as he gets ready for the elections that come up there later on this year and which will be perhaps as late as December or January of next year. There's politics going on, and if Prime Minister Maliki needs to tell the Iraqi people that he would like to see a timeline by which the United States would pull troops out of Iraq, yes, I wish I had that timeline, too. I understand why he has to say that politically, but truly, it would be foolhardy to set a timeline and declare our troops are going to be out of Iraq and not prepare for the enemy.

The enemy has a play in this, too. General Petraeus said the other day, The enemy has a vote, and not only does the enemy have a vote, but they are an independent variable. A very diplomatic way of saying you can't just declare that we are going to be in a position where we can draw our troops down to significant levels. It does look likely, and that's been the plan all along.

And you can go back through the announcements that were made by the Secretary of Defense, and let's just go through Secretary Gates back to Secretary Rumsfeld, we can go back through the commanders on the ground in Iraq, General Odierno, General Petraeus, and General Casey and General Sanchez, all the way on back to the commanders on the ground, the core commanders there on the ground, and what you will find is that each of them have had a plan that draws troops down when violence is reduced to certain levels. That is nothing new.

I mean, that's a plan, a strategy for all wars. You don't have to be a rocket surgeon to come up with the idea—and I said that on purpose, rocket surgeon—to come up with the idea that when you win the war, the troops come home. The idea was to win the war and bring the troops home, and bring them home while leaving enough of a force there to maintain security.

The surge was about taking over control and security within Iraq and then setting up the Iraqi military which has been growing and being trained all along. I saw the first Iraqi troops being trained in Mosul in October of 2003, and guess who was training those troops, General David Petraeus. Now, that was October. They went in and liberated Mosul in March of 2003.

Things not known by the American public, Mr. Speaker, General Petraeus set up elections in Mosul and two of the adjoining states, did so in May of 2003. They elected a governor, a vice governor and several other officers to be the civilian authority there in the country.

And so, as this has unfolded and developed in Iraq, the situation has gotten worse because over through the mid-years of 2005, 2006 and parts of 2007, that happened I think because we left too much of it in the control of the Iraqis, and we didn't grab a hold of the bull by the horns and reset the destiny.

□ 2230

That happened when General Petraeus came back from writing his book on counter-insurgency and when he took charge and we gave him the resources he needed to put the surge in play. It happened when President Bush ordered it.

And if it hadn't been for the surge, OBAMA wouldn't be able to set foot in many of those places that he's visiting today, pontificating on how right he was. He was utterly wrong. It was wrong to pull the troops out in 2004, 2005, 2006 or 2007. It's wrong to immediately order them out today. But we are bringing troops out of Iraq on a timely basis. And it's going to likely be right to bring more troops out in 2009.

And those levels that we can bring down, the concern we need to have is, what's the casualty rate there, and what does it take to sustain a level of stability? That's the questions that need to be answered, Mr. Speaker. And the very idea that because one junior Senator from Illinois has said that he disagreed with the war and that he disagreed with our troops there throughout the full duration, that we should pull the troops out immediately and that we should deploy some troops to Afghanistan, that he was right all along doesn't hold up, Mr. Speaker, because he's been wrong all along.

He would have turned Iraq over to al Qaeda. Al Qaeda would own a big chunk of that country today if we had listened to the junior Senator from Illinois, and Ahmadinejad would own the rest. Except for the Kurds; they would have declared independence and been immediately in a two-front work, with the Iranians on one side, the Turks on the other side. All of that would have been wrong. It would have been a tactical blunder. And all of that to, what, free up a couple of brigades to go to Afghanistan and talk about the broader picture for the world?

I think the American people have a better feel for the broader picture of the world than that. I think they understand this: If Vietnam, Lebanon and Mogadishu are enough to inspire Muqtada al-Sadr to mount a Mahdi militia and fight the way they did and die the way they did, and enough to inspire al Qaeda and Osama bin Laden and Zarqawi, if those three countries of the United States demonstrating lack of resolve were enough to inspire al Qaeda to attack the Twin Towers and the Pentagon and the plane that crashed in Pennsylvania—which was either destined likely for the Capitol here where we stand or the White House—if our lack of resolve in Vietnam, Lebanon and Mogadishu was enough to inspire all of that, think, Mr. Speaker, what kind of inspiration it would be to al Qaeda, to the Taliban, to all of our enemies if we lack the resolve to finish this war in Iraq that is so nearly finished.

If we handed it back over to the enemy, if we let it collapse around the Iraqi people, and if millions of them died as millions in Cambodia died because we lacked resolve there, Iraq would be declared a victory for al Qaeda, it would be declared a victory for our enemies because, here's the fundamental truth: It's like a street fight. When there's a street fight, usually the one who loses is the one who runs away, maybe cursing and shouting or is carried away by his buddies. The one who wins is still standing on the corner. That's who wins a street fight, that's who wins a war. You've got to own the ground, Mr. Speaker, and you've got to destroy the will of the enemy to commit war.

We've nearly destroyed the will of al Qaeda in Iraq. And I have set foot and walked around in most of the regions in Iraq, but particularly al Anbar Province, a place that I could not go a year and a half ago, I went there less than a year ago. I couldn't go there a year and a half ago because al Qaeda owned too much of al Anbar Province. That's a third of the real estate in Iraq. And the mosques were preaching then an anti-coalition, anti-American message. Today, there aren't any Mosques in al Anbar Province that are preaching an anti-American, anti-coalition message. The last numbers I saw were 40 percent were preaching pro-coalition, 60 percent were preaching a neutral message.

And the example of al Anbar Province, the very intensive Sunni Province, where the Sunnis joined up with us and provided intelligence and the Sunnis rose up and drove a lot of al Qaeda out and took them out, there was no place for al Qaeda to hide in al Anbar Province as long as the Sunnis were willing to team up with coalition American troops. And they did so. They did so because they believe that we're going to stick it out and we're going to be with them. They also believe that the future for Iraq is far better when the Iraqi people are determining their destiny rather than al Qaeda. They did so because of some of the very brutal tactics against civilians that were committed by al Qaeda. They did so for a lot of reasons. But in the end, people want their freedom. They want to be able to control their own destiny. They don't want to be ruled by a tyrant, and they don't want blood-thirsty al Qaeda in their regions.

So the good work that got done in Iraq could be thrown away with the stroke of a pen of a potential future Commander in Chief who said, before he went on his fact-finding mission, ''On my first day in office I will order a troop withdrawal from Iraq.'' That says to me, regardless of the conditions on the ground, regardless of the input that comes from the commanders on the ground, regardless of the facts, regardless of the intelligence, regardless of whether he hears this message that I have described, that pulling out of there creates a vacuum that hands over some of the control on the Iraq side of the Straits of Hormuz to Ahmadinejad, and pulling out of there will open things up for al Qaeda to reestablish a base camp there, and pulling out of there sets up the temptation for the Kurds to declare independence and end up with a two-front war and pits the Iraqis against the Iraqis. And without anyone to keep order, that is a very, very big gamble. And the most disagreeable consequence, Mr. Speaker, is that it would add Iraq to Muqtada al Sadr's list and make him right.

Then, Osama bin Laden would say, we have won in Iraq. And if we keep attacking Americans, they will leave. They will leave Afghanistan the same way that they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. And if OBAMA is elected President, they will say, and also the same way they left Iraq.

Al Qaeda will declare victory and they will be right because we will not be standing on the ground. We will not be standing on the street corner. That's the measure of victory: If you're there, they can't declare victory, they have to come back and take it from you. It puts me in mind of a famous flag that I saw, it was an early flag during the Texas independence fight. The flag is a white battle flag, and it has on it the black silhouette of a canon, and it says, ''Come and Take It.'' It's an inspiring message that comes from Texas. And that's what they need to do if they're going to declare victory, they have to come and take it. But they have taken defeat in Iraq. We need to solidify our victory. We can't have a victory if we pull out, if we cut and run, if we order troops out of there regardless of the situation on the ground. It takes time to nurture this.

It was interesting to compare the history of the insurgency in the Philippines with the battle that we have going on against al Qaeda globally today. A lot of the same kind of enemies, by the way, with some of the same kind of ideology. I will say, perhaps, the spiritual descendants, al Qaeda is likely the spiritual descendants of the enemies that we fought in the Philippines. That was from 1898–1902.

We sent the Marines there and we sent the Army there. General ''Black Jack'' Pershing was there. We took on those insurgents and we fought them for 4 years, and we lost over 4,000 Americans during that period of time. And during that period of time we also sent, by the numbers presented to me by the President of the Philippines, 10,000 teachers there. We sent priests there, we sent pastors there. We sent our culture over to the Philippines to lift them up and help them out.

It took a long time to put that insurgency down. And the violence went on several years after we were finished with our main part of the conflict going on in the Philippines. But a few years ago, President Arroyo of the Philippines came here to Washington, DC. She gave a speech in a downtown hotel, not to Members of Congress particularly, but to whoever happened to be in the crowd and attended that dinner. And she said, and I'll never forget it, ''Thank you, America. Thank you for sending the Marine Corps to our islands in 1898''—she forgot to say the Army. ''Thank you for sending the Marine Corps to our islands in 1898. Thank you for liberating us. Thank you for freeing us. Thank you for sending 10,000 teachers. Thank you for sending your priests and pastors. Thank you for teaching us your way of life, including our economy and our culture,'' because she said today—and language, ''thank you for teaching us your language'' because today, 1.6 million Filipinos go anywhere they want to go in the world to get a job, and they send the money back to the Philippines. And it's a significant percentage of their gross domestic product. She said the percentage, I've forgotten it, but I remember the theme and the rest of the things that she said. It was a clear thank you that came in more than a century later to thank America because we were there to give them their opportunity for freedom. And they hung onto that freedom and in fact fought with us through the Second World War and fought bravely and valiantly. And today, they're set up as a free and democratic country.

That's the result of a battle against an insurgency when we had confidence in ourselves, when we weren't undermining our military with defeatist comments. And by the way, I happened to notice this in the USA Today newspaper today, the Presidential election that went on during that period of time was about whether we would stick it out or whether we would pull out. And the Presidential candidate that advocated for pulling out was William Jennings Brian, a young charismatic Presidential candidate who was essentially a populist who said, ''let's get out of there, it's wrong to be there.''

I'll make this point, Mr. Speaker: Americans voted for McKinley in that election, and they did so because he was a tough, crusty fighter that was going to stand up for the values of the United States. He wasn't going to back off. Once we engaged in a conflict, he intended to win. We did win. The Philippines are free today, they're free today because of it. We could have handed it back over, we did not.

The American people sided for freedom. And where American soldiers have gone, they've taken freedom with them. And by the way, wherever the English language has gone around this planet it has taken freedom with it as well, whether it was carried by the Brits, the Aussies, the Americans, the Canadians. I can't find an English-speaking country that is not a free country today. The English language is the best carrier of freedom that there is. And that doesn't mean if people speak English, they're free, but the culture of freedom goes with the language called English. That's the historical fact.

Today, the Philippines are free. And we won the insurgency there and there are lessons to be learned. General Petraeus references the Philippine insurrection in his book on counter-insurgency. It's an instructive lesson, it's a lesson of resolve. But additionally, if you look through the conflicts and the history of America, while we had elections during those conflicts—and the most instructive is the election in 1864 during the height of the Civil War and the carnage that took place there. We lost over 600,000 Americans—that would be total from each side—during that conflict of the Civil War; bloody

and brutal with thousands of casualties, actually thousands killed in a number of different battles.

And the will of the American people was tested on the north side of the Mason-Dixon Line and on the south side of the Mason-Dixon Line. And when the election came up in 1864, America was tired of war. They didn't know whether they could win or not—and I'll talk about the North didn't know if they could overcome the South. But the candidate that ran against Abraham Lincoln was General George McClellan. And General George McClellan was not an aggressive commander. He commanded the Army of the Potomac. And the Army of the Potomac was a large and massive army that had a chance at victory south of here and didn't press the enemy or he might have been able to close on Richmond and end the war within the first year. He didn't do that.

And so he went back and dug in and fortified Washington, DC to protect this city, and drilled and trained and fortified and drilled and trained and fortified until Abraham Lincoln sent him a letter that said, ''Well, if you're not going to use this Army, can I borrow it?'' That was the general that ran against Abraham Lincoln in 1864. And General McClellan's agenda was, ''we will sue for peace. We will negotiate a settlement so that this horrible war is over.'' And you know, if McClellan would have been elected, we wouldn't be one country today. The Mason-Dixon Line would have been the boundary between the United States of the North and the Confederate States of the South.

If that had been the case, if the American people had chosen to side with the candidate who wanted to accept less than victory, the United States would not be the United States. We wouldn't be the great Nation we are today. We wouldn't have been able to engage in some of these large conflicts that have turned the destiny of the world. We wouldn't have been, perhaps—I'll say almost certainly we would not have gone into the Philippines. We would have fought a defensive war in the Spanish-American War. Who knows who would have prevailed in that. They might have pitted the South against the North; clearly, that's what happens. There would have been residual animosity left over from the Civil War. We don't know the results of the Spanish-American War if we hadn't had a successful resolution to the Revolutionary War that tied this country back together.

□ 2245

If we were two countries instead of one, we wouldn't have engaged in World War I in the fashion that we did. An entirely different result might have happened. It might have been the Germans that won World War I instead of the Allied Forces. And when you get to World War II, the conflict that forced this country to mobilize, 16,000 men and women in an effort in uniform to win the global war, win the war in Europe and win the war in Asia, you put that all together, it would have been impossible to do so if there had been a United States of the North and the Confederate States of the South. We would not have been able to be one country. And when Japan attacked us at Pearl Harbor, I'd question whether there would have been a Pearl Harbor for them to attack. And who knows what would have happened if they had landed on our west coast which States would have been North and which ones would have been South. And would we have carried that resentment on to the next century and said, ''I'm not going to defend the Confederate States of America. After all, we fought a war with them less than 100 years ago.'' Who knows? But we could not have pooled our resources if we were two separate countries.

Abraham Lincoln had the resolve. The greatness of the man was he saved the union. Yes, it was bloody and it was brutal and it cost a high price. But the millions of lives that have been saved because of that weigh in favor of Abraham Lincoln's resolve to save the union.

And so who would have saved the world from the tyranny of Nazism, of Stalinism, the tyranny of the Cold War that would have washed over us, who would have saved the world from all of that if the United States had been two nations instead of one? I suspect it would have been nobody, and perhaps the last flames of freedom would have been snuffed out by the totalitarian regimes that came from imperialistic Japan and Nazi Germany and Stalinist Russia. How would anybody on this planet have stood up against that if we weren't one Nation under God, 48 States pulling together with our vast resources and our strong spirit, the spirit of freedom, and the confidence of American destiny that we had then, that has since been besmirched by Vietnam, Lebanon, Mogadishu?

But not, Mr. Speaker, not Iraq, I pray. Not another huge inspiration for our enemies. Let's seal the deal there. Let's demonstrate our resolve there. Let's stand on the principles that took us there. And when this country goes to war, it's our country, right or wrong, it's our country. And we need to sing off the same page of the hymnal and get to this point where we have a victory that is legitimately declared, not a retreat that we're going to try to redefine as a victory. We stay. We stand together. We finish the fight there. And when we do so, the legacy that's left will be one to build on instead of one to run away from. And let me just say we can never, never let leaders in the world, tyrants in the world, say, ''If we keep attacking Americans they will leave''—name your country. Let's say Afghanistan—″the same way they left Lebanon, the same way they left Vietnam, the same way they left Mogadishu, the same way they left Iraq. Those ''the same way they left Iraq'' words can never be legitimately spoken. They must never be allowed to be legitimately spoken because if they are, more American lives will be lost, more of God's children across this planet will be lost, and the forces of evil and tyranny will be strengthened. Their resolve will be strengthened. Their recruitment will be strengthened. Ours will be diminished. And for the purposes of freeing up a couple of brigades to go to Afghanistan, it's not a bad idea to bolster some troops there, but NATO needs to send their people in there in big enough numbers and be willing to fight. The United States can't carry this alone.

What happened to the argument that we needed to have coalitions to fight these wars? We had 30-some nations on the ground fighting in Iraq. I stood in a place in Basra, where the British commanded, and at random counted officers there from eight different countries. In fact, I lined them up and took their pictures because I thought nobody's going to believe that we have this kind of a presence here in this country. We did. We had coalition troops in Iraq. We still have a good presence of coalition troops in Iraq. And for the junior Senator of Illinois to talk about pushing more troops over to Afghanistan, which I will support when they're freed up and I think we can produce enough troops to do so, but I would say back to him what about a coalition? Let's put some troops in there from the NATO countries in the world. Let's ask for a little more from them instead of America carrying this load all the way. Those things I think are components of this entire discussion.

So, Mr. Speaker, Americans wouldn't be walking around in the streets of Ramadi shopping, as I did, if it hadn't been for the surge and if it hadn't been for General Petraeus. Americans wouldn't be thinking of coming back home out of Iraq instead of being redeployed to Afghanistan if it weren't for the surge. Americans wouldn't be in a situation where we could say all of the indicators there define victory for us if it weren't for the surge.

I mean this Congress, and I thought imprudently, set up 18 different benchmarks for the Iraqis to meet. Of those 18 benchmarks, the Iraqis have met at least 15 of them and they are working on the other 3. They have accommodated this rather skittish Congress that we've had, and they have done that in the face of—since NANCY PELOSI took the gavel as Speaker in January of 2007, since that time to this floor there have been brought 40 resolutions, 40 resolutions that undermined our military, weakened our support for our military and our troops, and sought to unfund the troops, 40 resolutions sending the message Congress doesn't support our troops in the field. And I can say that, Mr. Speaker, because it doesn't work to say ''I support the troops but I oppose the mission.'' It

doesn't work to say ''Put your life on the line for me and my freedom and my security, but I think it's the wrong mission.'' When you ask somebody to put their life on the line, you've got to believe in their mission, you've got to stand with it, and you've got to make sure they have all of the equipment, all the training, all the support that's possible that can be generated by the treasure of a country that owes so much to its military people.

This situation, the idea of declaring what he finds out and then going there to find it, that does not hold up in a logical society. And declaring his first order would be to order troops out of Iraq, regardless of the situation on the ground, and then still maintaining a standard that if things get bad, we'll go back in, if you don't have the will to stay there now when the war is essentially won, you won't have the will to go back in. The American people know that, Mr. Speaker.

So there's much at stake. We need a strong Commander in Chief. We need a tough, ornery patriot.

And, furthermore, to tie this all together, in the history of America in every election when we have had a conflict, when we have been at war, there has been a presidential candidate that was less aggressive, a presidential candidate that was more of a pacifist, and in all but one of the circumstances that I can think of, there has been an opponent that said end this war at any cost, shut down the violence, let's get out of there, let's bring our troops home. And in every single case that there's been a presidential election during a time of war, the Commander in Chief whom the American people had the most confidence in winning that war and boldly moving us to victory, that's the person who won the election. That's the person who was elected to be Commander in Chief or the person who was elected to another term like Abraham Lincoln. McClellan lost the election because the American people are winners. We are winners because we know that when you engage in a war, you must win. The consequences for that multiply across the ages.

I can remember growing up and asking my father, who served 2½ years in the South Pacific, ''Have we ever lost a war?'' And his answer was, ''No, the United States of America has never lost a war, son, and I pray we never do.''

It's not that easy to say that today. I can make the argument. It wouldn't stick with a lot of people. But that's where we are. We must maintain the resolve. The American people will step up and they will elect a strong Commander in Chief who will see us through to the end in this war in Iraq. Someone who understands this global threat of al Qaeda, who understands that the infiltration that's coming in from Pakistan into Afghanistan is where the threat comes from; that the sanctuary that exists in Pakistan needs to be addressed; someone who understands that in the history of the world, it's hard, difficult, and maybe not even possible to come up with an example of an insurgency that was defeated when it had a sanctuary in another sovereign country that it could be armed from and deployed from. I can't think of an example, and I can't get an answer from others when I ask that question. Perhaps there is one.

But as this lays out, the American people need to understand where we are in the continuum of history, and where we are is that we must be able to chalk Iraq up as a victory. It is in a critical strategic part in the world. Iran is developing nuclear weapons as fast as they can. And if we pull out our position to leverage Iran without warfare, it gets weaker and weaker, and it puts us strategically in a worse position to do something about it if we do pull out. Every indicator is negative if we pull out of there. If we stay and we finish this thing with honor and we can declare it a victory, a victory that historians will sustain as a victory, then under those circumstances we discourage our enemies. We shut off their recruitment.

They are, by the way, on the run now, and they have a place to hide, and we need to eliminate their places to hide, and I will agree with that. But I'm looking forward to the American peoples decision, their verdict in November.

And I just cap this off by shifting to an important piece, Mr. Speaker, and that is this circumstance right here, that is the number one issue on the minds of the American people. This, Mr. Speaker, is gas prices. And where we are today, and actually I haven't looked today, but I had them check the prices when we built this poster, $4.08 a gallon. I listened to the rhetoric through this Congress as we moved through the Bush administration when gas was $1.49 back here when President Bush took office January 20 of 2001. And then gas prices went up not a buck, they crept up to $2.33 over time. As we tried to open up more energy, as this Congress passed six to eight bills out of this House when we had a Republican majority, every one of them provided more energy, more access to refineries. They would have built refineries. It would have opened up natural gas drilling, Outer Continental Shelf, ANWR. We passed all of that off the floor of this House, Mr. Speaker, and sent it over to the Senate, where the minority over there, the people who are opposed to energy development, filibustered our energy bills.

If we would just simply apply all those energy bills, if they would have been applied at the time we passed them, this gas wouldn't be $4.08. It wouldn't even be $2.33. The Senate was blocking this legislation clear back here. This legislation in 2003, 2004, 2005, we passed smart energy legislation here, and I have given many speeches on the subject matter during that period of time and since. But what happened, Mr. Speaker, is they shut down the development of our energy.

If we're not going to develop new energy in the United States, then the supply is going to diminish. For example, if you drill a well down into the zone and you start that well producing, that well is going to peak out about right then. When it does so, then what will happen is it diminishes in its production. So when you make your discovery, that's the peak. If you stop discovering, if you stop exploring, if you stop drilling new wells, or if you slow it down, our overall energy production goes down too.

Well, gas was $2.33 when NANCY PELOSI took the gavel, and she said, We are going to get you cheap gas prices. I have no idea what the strategy was, any kind of a rational approach on that. So I'd leave that to them to answer that question.

But my strategy is more energy of all kinds. Let's take this gas price back to $2.33. It's $4.08 today. Let's drill ANWR. Let's drill the Outer Continental Shelf. Let's drill the nonnational park public lands. Let's drill the Bureau of Land Management locations. Let's open up the oil shale. Let's produce more ethanol, more biodiesel, more wind. If you add up all of those sources of energy, grow the size of the energy pie, produce more Btus—we are only producing 72 percent of our energy consumption. Let's produce 100 percent of the energy that we are consuming.

If we do that, these prices go down, and we get this gas price back to $2.33. And the people that are blocking energy production need to be held accountable by the American people. That is the bottom line.

Supply and demand sets the price. You cannot suspend the law of supply and demand any more than you can suspend the law of gravity. If we do that and shore up the dollar, Mr. Speaker, we will see gas at $2.33 again. I will continue to work on that. I will sign every discharge petition I can to get there. And I will ask my colleagues to do the same. And I will ask the American people to have a referendum on who is producing a policy that will generate more electricity for the American people.

It's my side of the aisle, Mr. Speaker, not the other side of the aisle.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOSWELL (at the request of Mr. HOYER) for the week of July 14.

Mr. CUELLAR (at the request of Mr. HOYER) for today on account of inclement weather.

Ms. HARMAN (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. HILL (at the request of Mr. HOYER) for today on account of death in the family.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today and July 23 on account of birth of a grandchild.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of travel delays.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of traveling back to Washington, DC, on official business.

Mr. POE (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SIRES) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. SIRES, for 5 minutes, today.

Mr. SPACE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. BOOZMAN) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 24, 25 and 29.

Mr. BURTON of Indiana, for 5 minutes, today, July 23, 24 and 25.

Mr. JONES of North Carolina, for 5 minutes, July 24, 25 and 29.

Mr. GARRETT of New Jersey, for 5 minutes, today, July 23, 24 and 25.

Mr. BOOZMAN, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. CARTER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 23, 24 and 25.

Mr. HALL of Texas, for 5 minutes, July 23.

Mr. WAMP, for 5 minutes, July 23.

Mr. MCHENRY, for 5 minutes, July 25.

Mr. CALVERT, for 5 minutes, July 24 and 25.

Mr. KLINE of Minnesota, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3294. An act to provide for the continued performance of the functions of the United States Parole Commission; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 15, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3403. To promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

H.R. 3712. To designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse.''

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 p.m.), the House adjourned until tomorrow, Wednesday, July 23, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7678. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

7679. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7680. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute and the Taipei Economic and Cultural Representative Office in Washington on March 14, 2008, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

7681. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-78 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

7682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Thailand (Transmittal No. DDTC 030-08); to the Committee on Foreign Affairs.

7683. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of major defense equipment to the Government of Singapore (Transmittal No. DDTC 068-08); to the Committee on Foreign Affairs.

7684. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for defense services, including technical data, and defense articles to Israel (Transmittal No. DDTC 074-08); to the Committee on Foreign Affairs.

7685. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles or defense services to the Government of Canada (Transmittal No. DDTC 129-07); to the Committee on Foreign Affairs.

7686. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7687. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982 for June 30, 2008, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

7688. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, Massachusetts [Docket No. USCG-2008-0301] (RIN: 1625-AA87) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2008-0179] (RIN: 1625-ZA16) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Niantic River, CT [Docket No. USCG-2008-0149] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, Old Lyme, CT [Docket No. USCG-2008-0148] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Bradenton Beach, FL, Schedule Change [Docket No. USCG-2008-0117] (RIN: 1625-AA09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Beach Thorofare, NJ [USCG-2008-0113] (RIN: 1625-AA-09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Piscataqua River, Portsmouth, NH, and Kittery, ME [USCG-2008-0111] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Quinnipiac River, New Haven, CT [Docket No. USCG-2008-0108] (RIN: 1625-AA09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River, Perth Amboy, NJ [Docket No. USCG-2008-0084] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway # (GIWW), mile 49.8, near Houma, Lafourche Parish, Louisiana. [USCG-2008-0048] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Richland Regatta Hydroplane Races, Howard Amon Park, Richland, Washington. [Docket No. USCG-2008-0448] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New River, Jacksonville, North Carolina [Docket No. USCG-2008-0427] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Parexel Fireworks Display [Docket No. USCG-2008-0363] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Piscataqua River, Portsmouth, NH, and Kittery, ME; Frontier Sentinel 2008. [Docket No. USCG-2008-0341] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0224; Directorate Identifier 2007-NM-188-AD; Amendment 39-15400; AD 2008-05-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172, 182, and 206 Series Airplanes [Docket No. FAA-2007-28433; Directorate Identifier 2007-CE-052-AD; Amendment 39-15403; AD 2008-05-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, and 737-900 Series Airplanes [Docket No. FAA-2007-0202; Directorate Identifier 2007-NM-185-AD; Amendment 39-15399; AD 2008-05-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and A340-200 and -300 Series Airplanes [Docket No. FAA-2007-29334; Directorate Identifier 2006-NM-268-AD; Amendment 39-15398; AD 2008-05-04] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, 747SP, and 747SR Series Airplanes Powered by General Electric (GE) CF6-45/50 and Pratt & Whitney (P&W) JT9D-70, JT9D-3 or JT9D-7 Series Engines. [Docket No. FAA-2007-0204; Directorate Identifier 2007-NM-083-AD; Amendment 39-15397; AD 2008-05-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2007-0338; Directorate Identifier 2007-NM-139-AD; Amendment 39-15396; AD 2008-05-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0215; Directorate Identifier 2007-NM-216-AD; Amendment 39-15407; AD 2008-05-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexandria Aircraft, LLC Models 17-30, 17-31, 17-30A, 17-31A, and 17-31ATC Airplanes [Docket No. FAA-2007- 28431; Directorate Identifier 2007-CE-050-AD; Amendment 39-15405; AD 2008-05-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Fan Jet Falcon, Fan Jet Falcon Series C, D, E, F, and G Airplanes; Model Mystere-Falcon 200 Airplanes; and Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No. FAA-2007-0182; Directorate Identifier 2007-NM-138-AD; Amendment 39-15401; AD 2008-05-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR and 747SP Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-290-AD; Amendment 39-15327; AD 90-25-05 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Poplar Bluff, MO [Docket No. FAA-2007-28773; Airspace Docket No. 07-ACE-9] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7713. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lee's Summit, MO [Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7714. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rockport, ME [Docket No. FAA-2008-0067; Airspace Docket No. 08-ANE-98] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7715. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bradford, PA. [Docket No. FAA-2007-0310; Airspace Docket No. 07-AEA-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Franklin, PA. [Docket No. FAA-2007-0279; Airspace Docket No. 07-AEA-19] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7717. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2007 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5531. A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes; with amendments (Rept. 110–764). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5949. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel (Rept. 110–765). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1362. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–766). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 1363. Resolution providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform, and for other purposes (Rept. 110–767). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGEL (for himself, Mr. KINGSTON, Mr. ISRAEL, and Mr. INGLIS of South Carolina):

H.R. 6559. A bill to require automobile manufacturers to ensure that not less that 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. MCCRERY):

H.R. 6560. A bill to establish an earned import allowance program under Public Law 109-53, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 6561. A bill to increase funding of the block grant to States for social services, to provide for the increased funding to be used to provide a gasoline subsidy to certain low-income individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Mr. SESTAK, Mr. HALL of New York, Mrs. GILLIBRAND, and Mr. LATHAM):

H.R. 6562. A bill to amend title 38, United States Code, relating to presumptions of exposure for veterans who served in the vicinity of Vietnam; to the Committee on Veterans' Affairs.

By Mr. SOUDER:

H.R. 6563. A bill to amend the Ethics in Government Act of 1978 to require information on the value of any personal residence and on the balance, interest rate, and remaining number of years of any mortgage secured by real property to be included in the annual financial disclosure reports required to be filed under such Act; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. RYAN of Wisconsin):

H.R. 6564. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain arrows designed for use by children; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 6565. A bill to provide additional authority to the Federal Deposit Insurance Corporation in resolving problem financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CANTOR, Mr. DREIER, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mrs. MILLER of Michigan, Mr. SESSIONS, Mrs. SCHMIDT, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. LATTA, Mr. ISSA, Mr. DUNCAN, Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. GINGREY, Mr. BACHUS, Mr. BUYER, Mr. WITTMAN of Virginia, Mr. NUNES, Mrs. BLACKBURN, Ms. FALLIN, Mr. WAMP, Mrs. DRAKE, Mr. ROYCE, Mr. RADANOVICH, Mr. CHABOT, Mr. BRADY of Texas, Mr. SCALISE, Mr. ADERHOLT, Mr. WESTMORELAND, Mr. BONNER, Mr. MCHUGH, Mr. LINDER, Mrs. MCMORRIS RODGERS, Mr. KING of New York, Mr. SHIMKUS, Mr. SMITH of Nebraska, Mr. ROGERS of Kentucky, Mr. SMITH of Texas, Mr. WOLF, Mr. BOUSTANY, Mr. ROHRABACHER, Mr. TIBERI, Mr. ROGERS of Alabama, Ms. FOXX, Mr. CULBERSON, Mr. KUHL of New York, Mr. PICKERING, Mr. GOODE, Mr. GOHMERT, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. MCCARTHY of California, Mrs. CAPITO, Mr. CALVERT, Mrs. BACHMANN, Mr. MCCAUL of Texas, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. EVERETT, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. LATOURETTE, Mr. TERRY, Mr. FORTENBERRY, Mr. KING of Iowa, Mr. MANZULLO, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. PLATTS, Mr. JONES of North Carolina, Mr. GRAVES, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. SALI, and Mr. PENCE):

H.R. 6566. A bill to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Ways and Means, Energy and Commerce, Armed Services, Oversight and Government Reform, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. CASTLE, Mr. DEAL of Georgia, Ms. KAPTUR, Mr. GERLACH, Mr. LATOURETTE, Mr. YOUNG of Florida, Ms. HARMAN, Mr. KIRK, and Ms. SPEIER):

H.R. 6567. A bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mrs. CAPPS):

H.R. 6568. A bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. MATSUI, and Mr. BUTTERFIELD):

H.R. 6569. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H.R. 6570. A bill to encourage increased production of natural gas vehicles and to provide tax incentives for natural gas vehicle infrastructure; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. PLATTS):

H.R. 6571. A bill to prohibit smoking near executive, legislative, and judicial branch buildings and entryways; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illinois, Ms. KAPTUR, and Ms. LEE):

H.R. 6572. A bill to encourage States and units of general local government to use amounts received under the community development block grant program and the community mental health services and substance abuse block grant programs to provide housing counseling and financial counseling for individuals before their release from inpatient or residential institutions for individuals with mental illness and periodic evaluation of the appropriateness of such counseling after such release; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr. CONYERS, Ms. HIRONO, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of Ohio, Mr. BRADY of Pennsylvania, and Mr. HARE):

H.R. 6573. A bill to create an Office of Domestic Product Promotion within the Department of Commerce to promote the sale of United States products; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. KUHL of New York, and Ms. DELAURO):

H. Con. Res. 393. Concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; to the Committee on Energy and Commerce.

By Mr. WAMP:

H. Con. Res. 394. Concurrent resolution honoring and recognizing Acting Architect of the Capitol Stephen Ayers for his contributions to the construction of the Capitol Visitor Center and his dedication to the maintenance of the Capitol complex; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDWARDS of Maryland:

H. Res. 1360. A resolution honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998; to the Committee on House Administration.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. WATERS, and Mr. SCOTT of Georgia):

H. Res. 1361. A resolution expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other

countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism; to the Committee on Foreign Affairs.

By Mr. DAVIS of Kentucky (for himself, Mr. HUNTER, Ms. HERSETH SANDLIN, Mr. WILSON of South Carolina, Mr. JOHNSON of Georgia, and Mr. ALEXANDER):

H. Res. 1364. A resolution recognizing the persons who are serving or have served in the airborne forces of the Armed Forces; to the Committee on Armed Services.

By Mr. TANNER (for himself and Mr. WAMP):

H. Res. 1365. A resolution expressing the sense of the House of Representatives that an independent commission is the best vehicle for ensuring that Congressional redistricting conducted by a State is done in a manner that respects the principles of transparency, effective and diverse public participation, and accountability; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII:

343. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 699 recommending to the Congress of the United States that the cap on the Crime Victims Fund be eliminated and that the entire amount of funds deposited into the fund be distributed annually; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Ms. WATSON.
H.R. 303: Mr. STEARNS, Mr. FORTENBERRY, Mr. MCDERMOTT, and Mr. ARCURI.
H.R. 333: Mr. MATHESON.
H.R. 522: Mr. COHEN.
H.R. 579: Mrs. GILLIBRAND, Mr. BAIRD, and Mr. STUPAK.
H.R. 725: Ms. FALLIN.
H.R. 726: Mr. CAPUANO.
H.R. 826: Mr. HINCHEY.
H.R. 861: Mr. SHIMKUS, Mr. PATRICK MURPHY of Pennsylvania, Mr. PUTNAM, Mr. BURTON of Indiana, and Mr. WELLER.
H.R. 882: Mr. HONDA and Mr. BAIRD.
H.R. 1009: Mr. HONDA.
H.R. 1014: Mr. KIRK.
H.R. 1032: Mr. ISRAEL.
H.R. 1076: Mr. WALDEN of Oregon and Ms. GIFFORDS.
H.R. 1078: Ms. DELAURO.
H.R. 1110: Mr. SHUSTER and Mr. HELLER.
H.R. 1120: Ms. FALLIN.
H.R. 1283: Ms. SLAUGHTER and Mr. ROGERS of Michigan.
H.R. 1589: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.
H.R. 1606: Mr. MCGOVERN.
H.R. 1619: Mr. SKELTON.
H.R. 1621: Mr. MORAN of Virginia and Mr. ISRAEL.
H.R. 1655: Mr. BISHOP of Georgia, Mr. FORTUÑO, Mr. MCGOVERN, Mr. MCNULTY, Ms. LEE, Mr. RUPPERSBERGER, Mr. SMITH of New Jersey, and Mr. GENE GREEN of Texas.
H.R. 1665: Mr. COURTNEY.
H.R. 1671: Ms. CASTOR, Ms. SLAUGHTER, and Mr. EDWARDS of Texas.
H.R. 1843: Mrs. BACHMANN.
H.R. 1845: Ms. ZOE LOFGREN of California.
H.R. 1884: Mr. MCCOTTER.
H.R. 1919: Mr. MICHAUD and Mr. CARSON.
H.R. 1926: Ms. DELAURO.
H.R. 2074: Mr. MORAN of Virginia.
H.R. 2205: Mrs. TAUSCHER and Mr. PRICE of Georgia.
H.R. 2266: Mr. GENE GREEN of Texas.
H.R. 2472: Mr. RYAN of Ohio.
H.R. 2493: Mr. LINDER.
H.R. 2677: Mr. BUTTERFIELD.
H.R. 2851: Mr. RYAN of Ohio and Mr. LEWIS of Georgia.
H.R. 2915: Mr. JOHNSON of Georgia.
H.R. 3010: Mr. BISHOP of Georgia.
H.R. 3148: Ms. FALLIN.
H.R. 3175: Mr. WALZ of Minnesota and Mr. BRADY of Pennsylvania.
H.R. 3257: Mr. KELLER.
H.R. 3407: Mr. COSTELLO.
H.R. 3416: Mr. MCDERMOTT.
H.R. 3559: Mr. MCCOTTER.
H.R. 3737: Mr. WAMP and Mr. DOGGETT.
H.R. 3989: Mrs. MALONEY of New York.
H.R. 3995: Mr. AL GREEN of Texas, Mr. DREIER, and Mr. KANJORSKI.
H.R. 4048: Ms. ESHOO.
H.R. 4052: Mr. PEARCE.
H.R. 4102: Mr. PALLONE.
H.R. 4236: Mr. RYAN of Ohio, Mr. ENGEL, Ms. KILPATRICK, and Ms. HARMAN.
H.R. 4310: Mr. BRADY of Pennsylvania.
H.R. 4544: Mr. SAXTON, Mr. LAMBORN, Mr. SPRATT, Mr. COBLE, Mr. FORTENBERRY, Mrs. MYRICK, Mr. WAXMAN, Mr. MEEKS of New York, Mr. GORDON, Ms. LEE, Mr. POE, Mr. WU, and Mr. CARDOZA.
H.R. 4828: Mr. GONZALEZ.
H.R. 4930: Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. ALLEN, and Mr. CALVERT.
H.R. 5174: Mrs. JONES of Ohio.
H.R. 5437: Mr. WESTMORELAND.
H.R. 5461: Mr. SHAYS.
H.R. 5488: Mr. HASTINGS of Florida.
H.R. 5545: Ms. GRANGER.
H.R. 5564: Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, and Mrs. EMERSON.
H.R. 5580: Mr. EMANUEL, Mr. DAVIS of Illinois, and Mr. JOHNSON of Georgia.
H.R. 5611: Ms. WASSERMAN SCHULTZ and Mr. POMEROY.
H.R. 5635: Mrs. BONO MACK.
H.R. 5652: Mr. BURTON of Indiana and Mr. PETERSON of Minnesota.
H.R. 5672: Mr. HODES.
H.R. 5714: Mr. MCDERMOTT, Mr. LATHAM, Mr. SNYDER, Mr. TURNER, Mr. TANNER, Mr. EHLERS, Mr. SCHIFF, Mr. GOHMERT, Mr. HALL of New York, Mr. WALSH of New York, Mr. FALEOMAVAEGA, Mr. KUHL of New York, Mr. SHAYS, Mr. MURTHA, Mr. LAHOOD, Mrs. MALONEY of New York, Mr. DREIER, Ms. ZOE LOFGREN of California, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5723: Mr. ROSS.
H.R. 5737: Mr. BOREN.
H.R. 5748: Mr. ORTIZ.
H.R. 5756: Ms. LEE.
H.R. 5793: Mr. BRADY of Pennsylvania and Mr. CARDOZA.
H.R. 5795: Mr. PITTS.
H.R. 5797: Mr. KINGSTON.
H.R. 5802: Mr. FILNER, Mr. HONDA, Mr. MCDERMOTT, and Mr. NADLER.
H.R. 5825: Mr. COHEN.
H.R. 5852: Ms. WOOLSEY.
H.R. 5854: Mr. KLINE of Minnesota and Mr. UDALL of Colorado.
H.R. 5857: Mr. BROWN of South Carolina.
H.R. 5894: Ms. CLARKE and Ms. SCHAKOWSKY.
H.R. 5901: Ms. WATSON.
H.R. 5904: Mr. GRAVES.
H.R. 5908: Mr. CULBERSON.
H.R. 5914: Mr. ROSS.
H.R. 5936: Mr. VAN HOLLEN.
H.R. 5949: Ms. KAPTUR and Mr. CAMPBELL of California.
H.R. 5951: Mr. MORAN of Virginia.
H.R. 5979: Mr. REICHERT.
H.R. 5984: Mr. SESSIONS.
H.R. 5987: Mrs. MUSGRAVE.
H.R. 6029: Ms. DELAURO.
H.R. 6032: Mr. BISHOP of Utah.
H.R. 6056: Ms. BERKLEY, Mr. PLATTS, and Mr. RYAN of Ohio.
H.R. 6066: Mr. CAPUANO.
H.R. 6068: Ms. SUTTON.
H.R. 6078: Ms. VELÁZQUEZ, Mr. NADLER, and Mr. MCDERMOTT.
H.R. 6107: Mr. BOREN and Mr. BILIRAKIS.
H.R. 6108: Mr. COBLE, Mr. FRANKS of Arizona, Mr. CARTER, Mr. PENCE, and Mr. WOLF.
H.R. 6110: Mr. NUNES, Mrs. MYRICK, Mr. PRICE of Georgia, Mr. CAMPBELL of California, and Mr. BARTLETT of Maryland.
H.R. 6113: Ms. HIRONO.
H.R. 6140: Mr. MILLER of Florida.
H.R. 6144: Mr. THOMPSON of Mississippi.
H.R. 6163: Mr. TERRY.
H.R. 6180: Mr. OBERSTAR and Mr. RODRIGUEZ.
H.R. 6199: Mr. WALSH of New York.
H.R. 6201: Mr. BUTTERFIELD.
H.R. 6209: Mr. NEAL of Massachusetts.
H.R. 6210: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 6214: Mr. BURTON of Indiana.
H.R. 6217: Mr. SALAZAR, Mr. KAGEN, Ms. DELAURO, Mr. BECERRA, Mr. HODES, Mr. CONYERS, Ms. SUTTON, and Ms. LEE.
H.R. 6220: Mr. LATTA.
H.R. 6228: Mr. PAYNE.
H.R. 6238: Mr. UDALL of Colorado, Mr. BURGESS, Mr. ROGERS of Michigan, Mrs. BONO MACK, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, and Mr. LATOURETTE.
H.R. 6253: Mr. ROGERS of Kentucky.
H.R. 6282: Mr. MCCOTTER and Mr. MCHUGH.
H.R. 6293: Mr. MILLER of Florida and Mr. GONZALEZ.
H.R. 6321: Mrs. MUSGRAVE, Mr. BISHOP of New York, Mr. HOLDEN, Mr. PATRICK MURPHY of Pennsylvania, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. KAGEN, Mr. SHAYS, Mr. LOBIONDO, and Mr. BARTLETT of Maryland.
H.R. 6329: Mr. SOUDER.
H.R. 6339: Mr. GONZALEZ.
H.R. 6353: Mrs. BACHMANN.
H.R. 6366: Mr. SALAZAR.
H.R. 6374: Mr. WELLER.
H.R. 6375: Mrs. BONO MACK and Mr. MCDERMOTT.
H.R. 6379: Mr. BURTON of Indiana and Mr. BROWN of South Carolina.
H.R. 6399: Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, and Mr. WALZ of Minnesota.
H.R. 6400: Mr. PAUL.
H.R. 6403: Mr. GONZALEZ.
H.R. 6406: Ms. SHEA-PORTER.
H.R. 6411: Mr. BURTON of Indiana.
H.R. 6418: Mr. ROGERS of Kentucky.
H.R. 6428: Mrs. MYRICK and Mr. POE.
H.R. 6445: Mr. SPACE.
H.R. 6460: Mr. HINCHEY, Ms. SCHAKOWSKY, and Mr. CONYERS.
H.R. 6462: Ms. GIFFORDS.
H.R. 6485: Mr. TAYLOR, Ms. DELAURO, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. MORAN of Virginia, and Mr. WALZ of Minnesota.
H.R. 6490: Mr. MCHUGH and Mr. PLATTS.
H.R. 6496: Ms. WOOLSEY and Ms. WATSON.
H.R. 6499: Mr. DAVIS of Illinois.
H.R. 6511: Mr. LAMBORN.
H.R. 6520: Ms. CORRINE BROWN of Florida.
H.R. 6523: Ms. SHEA-PORTER.
H.R. 6525: Mr. ELLISON.
H.R. 6528: Mr. KILDEE.
H.R. 6532: Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CHANDLER, Ms. HERSETH SANDLIN, Ms. HOOLEY, Mr. ISRAEL, Mr. KNOLLENBERG, Mr. KING of New York,

Mr. KIRK, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, Ms. SLAUGHTER, Mr. TURNER, Mr. SNYDER, Mr. UPTON, Mr. WALZ of Minnesota, Mr. YARMUTH, Ms. SUTTON, Mr. ALLEN, Mr. BACHUS, Mr. BRALEY of Iowa, Mr. HINCHEY, Mr. HULSHOF, Mr. LOEBSACK, Mrs. MALONEY of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. SHAYS, Mr. SKELTON, and Mr. WILSON of Ohio.

H.R. 6545: Mr. FOSTER.

H.J. Res. 68: Ms. FALLIN.

H. Con. Res. 73: Mrs. BACHMANN.

H. Con. Res. 137: Mr. GONZALEZ and Mrs. BACHMANN.

H. Con. Res. 223: Mr. DICKS, Mr. DOGGETT, Mr. WU, Mr. BAIRD, and Mrs. DRAKE.

H. Con. Res. 294: Mr. ROGERS of Alabama and Mr. REYES.

H. Con. Res. 296: Mr. GONZALEZ.

H. Con. Res. 342: Mr. WOLF, Mr. HINCHEY, and Mrs. CAPPS.

H. Con. Res. 351: Ms. SCHWARTZ.

H. Con. Res. 356: Mr. TERRY.

H. Con. Res. 361: Mr. ISRAEL, Mr. EMANUEL, Mr. ENGEL, and Mr. HONDA.

H. Con. Res. 364: Ms. KILPATRICK.

H. Con. Res. 378: Mr. TERRY.

H. Con. Res. 382: Mr. GRIJALVA.

H. Con. Res. 386: Mr. BRADY of Pennsylvania.

H. Con. Res. 388: Mr. HASTINGS of Washington.

H. Con. Res. 389: Mr. LINCOLN DIAZ-BALART of Florida and Ms. GRANGER.

H. Con. Res. 390: Mr. HINCHEY, Mr. COHEN, Mr. SESTAK, Ms. BORDALLO, and Mr. MCGOVERN.

H. Con. Res. 392: Mrs. JONES of Ohio and Ms. LEE.

H. Res. 489: Mr. FARR.

H. Res. 645: Mr. BACHUS, Mr. MCNULTY, Mr. JOHNSON of Georgia, Mr. MAHONEY of Florida, and Mr. SHULER.

H. Res. 757: Mr. FILNER.

H. Res. 758: Mr. MCHENRY, Mr. MARIO DIAZ-BALART of Florida, and Mr. ENGEL.

H. Res. 901: Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. YOUNG of Florida, Mr. MEEK of Florida, and Mr. KLEIN of Florida.

H. Res. 1042: Mr. WILSON of South Carolina, Mr. WELLER, Mr. BACHUS, and Mr. NUNES.

H. Res. 1045: Mr. MORAN of Virginia.

H. Res. 1046: Mrs. BIGGERT and Mr. BRADY of Pennsylvania.

H. Res. 1055: Mr. CONYERS.

H. Res. 1072: Mr. MITCHELL.

H. Res. 1105: Mr. JOHNSON of Georgia.

H. Res. 1151: Mr. JORDAN, Mr. BROWN of South Carolina, Mr. NEAL of Massachusetts, Mr. MCCOTTER, and Mr. BURTON of Indiana.

H. Res. 1200: Mr. LARSEN of Washington, Mr. WEXLER, Mr. FATTAH, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. GONZALEZ, Mr. PAYNE, Ms. SHEA-PORTER, Mr. TERRY, Ms. LORETTA SANCHEZ of California, Mr. HARE, and Mrs. MCMORRIS RODGERS.

H. Res. 1202: Mr. KIND and Mr. KAGEN.

H. Res. 1227: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. BRADY of Pennsylvania, Ms. DELAURO, and Ms. LEE.

H. Res. 1241: Mr. CUMMINGS and Mr. MEEKS of New York.

H. Res. 1268: Ms. SCHAKOWSKY, Mr. DAVIS of Kentucky, Mr. PAYNE, Mr. THORNBERRY, Mr. ELLISON, Mr. POMEROY, Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. LEE, and Mr. CONYERS.

H. Res. 1273: Mr. CARDOZA.

H. Res. 1282: Ms. FALLIN.

H. Res. 1287: Mr. TERRY.

H. Res. 1288: Mr. BRADY of Pennsylvania, Mr. JEFFERSON, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Ms. WATSON, and Mr. SHAYS.

H. Res. 1296: Mr. BRADY of Pennsylvania.

H. Res. 1300: Mr. WEXLER and Mrs. LOWEY.

H. Res. 1302: Mr. JORDAN.

H. Res. 1314: Mr. KILDEE.

H. Res. 1316: Mr. GONZALEZ.

H. Res. 1324: Mr. GRIJALVA, Mr. PETERSON of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. DOYLE, and Ms. SUTTON.

H. Res. 1326: Mr. FARR.

H. Res. 1334: Mr. BURTON of Indiana.

H. Res. 1335: Mr. BISHOP of New York, Mr. HULSHOF, Mr. HARE, Mr. PATRICK MURPHY of Pennsylvania, Ms. HIRONO, and Mr. MAHONEY of Florida.

H. Res. 1351: Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. TANCREDO, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. WATSON, Mr. WEXLER, Mr. FORTUÑO, Mr. FRANK of Massachusetts, and Mr. ROYCE.

H. Res. 1355: Mr. EMANUEL, Mr. JACKSON of Illinois, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.

H. Res. 1356: Mr. SMITH of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. BILBRAY, Mr. PAUL, and Mr. BRADY of Pennsylvania.

H. Res. 1359: Mr. CUMMINGS, Mr. MCGOVERN, and Mr. AL GREEN of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 362: Mr. ALLEN and Mr. COHEN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

295. The SPEAKER presented a petition of the Commission of the City of Miami Beach, Florida, relative to Resolution No. 2008-26825 urging the Congress of the United States to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

296. Also, a petition of the Board of Chosen Freeholders of the County of Hudson, New Jersey, relative to Resolution No. 253-6-2008 supporting the National Institute of Corrections against proposed budget eliminiation; to the Committee on the Judiciary.

297. Also, a petition of Mr. John Timson, a citizen of St. Petersburg, Florida, relative to petitioning the Congress of the United States for an appeal for redress; jointly to the Committees on the Judiciary and Veterans' Affairs.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, JULY 22, 2008 *No. 120*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, before whose face the generations rise and fall, we pause to thank You for Your loving kindness in the morning and Your faithfulness every night. Cleanse the purposes and desires of our lawmakers as they face the tasks committed to their hands. May they walk with You throughout this day in trust and peace. Lord, may they not be afraid to face facts, however unpleasant. When the way is uncertain and the problems baffling, inspire them to ask You for light for but one step at a time. Keep their lips clean and their thoughts pure, and may they never doubt the ultimate triumph of truth. Let Your kingdom come in us and through us.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to the energy speculation legislation. Sometime after 11 today, the Senate will proceed to a rollcall vote on the motion to proceed to the bill. The Senate will recess from 12:30 until 2:15 in order to allow for the weekly caucus luncheons. Tomorrow, there will be a classified briefing for Senators in S–407 from 4 until 5:30 p.m. with National Security Adviser Stephen Hadley.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the final 20 minutes prior to the cloture vote today be divided between Senator MCCONNELL and me or our designees, with my controlling the final 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3297

Mr. REID. Mr. President, S. 3297 is at the desk. I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3297) to advance America's priorities.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

CLEAN BOATING ACT OF 2008

CLARIFYING PERMITS FOR DISCHARGES FROM CERTAIN VESSELS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 832, S. 2766, and S. 3298, introduced earlier today by Senator MURKOWSKI.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 2766) to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

A bill (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

There being no objection, the Senate proceeded to consider the bills en bloc.

Ms. MURKOWSKI. Mr. President, I rise today to support legislation that will provide a 2-year moratorium on National Pollution Discharge Elimination System permits for all commercial fishing vessels of any size and for all other commercial vessels less then 79 feet. The legislation requires the EPA, working with the Coast Guard, to conduct a 15-month study during the

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moratorium period to evaluate the impacts of various discharges from vessels and report their findings to Congress for the purposes of making final decisions on vessel discharge permit requirements.

Discharges incidental to the normal operation of vessels have been exempt from NPDES permits under the Clean Water Act since 1973. The National Pollution Discharge Elimination System was developed for industrial sources of pollution and was not designed for mobile sources. In 2006, the U.S. District Court for Northern California ruled that the EPA exceeded its authority under the Clean Water Act in exempting these discharges and issued an order revoking the exemption and requiring the agency to permit these discharges by September 30, 2008. The EPA has appealed the decision, but in the meantime, the agency has proposed to permit both recreational and commercial vessels under two general permits. While the EPA has proposed a general permit system that does not require individual permits, all commercial and recreational vessels would still be subject to the regulations, fines, and enforcement and citizen lawsuits of the Clean Water Act. Considering incidental discharges for these vessels have been exempt for the past 35 years, it is hard to support permitting when we have such a dearth of information about what the discharges are, especially for small commercial and recreational boats.

The commercial moratorium bill directs the EPA to study the incidental discharges of commercial vessels to determine the volume, type and frequency of various categories and sizes of vessels. It is my sincere hope that after the results of the study are reported to the Senate Environment and Public Works and Commerce Committees, and the House Transportation and Infrastructure Committee, Congress will take action to exempt commercial vessels, as we are now doing for the recreational sector under the Clean Boating Act. The commercial vessels that will be included are commercial fishing vessels of any size and other commercial vessels less then 79 feet. I need to clarify that it is my understanding that a commercial fishing vessel is one that previously or is presently engaged in the harvesting, taking or catching of commercial fish. Many commercial fishing boats in the United States also work as fish tenders and it is my intention that the fishing vessels working in this capacity are also included in the covered vessels under the commercial moratorium bill.

I also support S. 2766, the Clean Boating Act of 2008. This legislation exempts recreational vessels from the NPDES permitting while the EPA develops best management practices for this sector. Neither category of vessels has documented discharge levels that have been shown to be harmful to the environment. The court case that required the EPA to develop this permit system was focused on invasive species and ballast water. Neither recreational nor small commercial vessels have ballast tanks and very few are ocean-going vessels.

Enactment of this legislation, together with the Clean Boating Act will provide the recreation sector an exemption and commercial boats a two year waiver with the possibility for exemptions based on the outcome of the discharge study.

It was a collaborative, negotiated process that developed the Clean Boating Act and the commercial moratorium legislation. I ask my colleagues to support both of these bills and I ask that they both pass by unanimous consent today.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bills be read a third time and passed, en bloc, the motions to reconsider be laid upon the table, with no intervening action or debate, en bloc, and that any statements relating to the bills be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills were ordered to be engrossed for a third reading, were read the third time, and passed, as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Boating Act of 2008''.

SEC. 2. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel.''.

SEC. 3. DEFINITION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RECREATIONAL VESSEL.—

''(A) IN GENERAL.—The term 'recreational vessel' means any vessel that is—

''(i) manufactured or used primarily for pleasure; or

''(ii) leased, rented, or chartered to a person for the pleasure of that person.

''(B) EXCLUSION.—The term 'recreational vessel' does not include a vessel that is subject to Coast Guard inspection and that—

''(i) is engaged in commercial use; or

''(ii) carries paying passengers.''.

SEC. 4. MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.

Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

''(o) MANAGEMENT PRACTICES FOR RECREATIONAL VESSELS.—

''(1) APPLICABILITY.—This subsection applies to any discharge, other than a discharge of sewage, from a recreational vessel that is—

''(A) incidental to the normal operation of the vessel; and

''(B) exempt from permitting requirements under section 402(r).

''(2) DETERMINATION OF DISCHARGES SUBJECT TO MANAGEMENT PRACTICES.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall determine the discharges incidental to the normal operation of a recreational vessel for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on the waters of the United States.

''(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

''(iii) MANAGEMENT PRACTICES.—The Administrator shall develop management practices for recreational vessels in any case in which the Administrator determines that the use of those practices is reasonable and practicable.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge;

''(iii) the practicability of using a management practice;

''(iv) the effect that the use of a management practice would have on the operation, operational capability, or safety of the vessel;

''(v) applicable Federal and State law;

''(vi) applicable international standards; and

''(vii) the economic costs of the use of the management practice.

''(C) TIMING.—The Administrator shall—

''(i) make the initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

''(ii) every 5 years thereafter—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on any new information available to the Administrator.

''(3) PERFORMANCE STANDARDS FOR MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—For each discharge for which a management practice is developed under paragraph (2), the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, other interested Federal agencies, and interested States, shall promulgate, in accordance with section 553 of title 5, United States Code, Federal standards of performance for each management practice required with respect to the discharge.

''(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator shall take into account the considerations described in paragraph (2)(B).

''(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

''(i) distinguish among classes, types, and sizes of vessels;

''(ii) distinguish between new and existing vessels; and

''(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(D) TIMING.—The Administrator shall—

''(i) promulgate standards of performance for a management practice under subparagraph (A) not later than 1 year after the date of a determination under paragraph (2) that the management practice is reasonable and practicable; and

''(ii) every 5 years thereafter—

''(I) review the standards; and

''(II) if necessary, revise the standards, in accordance with subparagraph (B) and based on any new information available to the Administrator.

''(4) REGULATIONS FOR THE USE OF MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate such regulations governing the design, construction, installation, and use of management practices for recreational vessels as are necessary to meet the standards of performance promulgated under paragraph (3).

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator promulgates standards with respect to the practice under paragraph (3), but not later than 1 year after the date on which the Administrator promulgates the standards.

''(ii) EFFECTIVE DATE.—The regulations promulgated by the Secretary under this paragraph shall be effective upon promulgation unless another effective date is specified in the regulations.

''(iii) CONSIDERATION OF TIME.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall consider the period of time necessary to communicate the existence of the regulation to persons affected by the regulation.

''(5) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a recreational vessel.

''(6) PROHIBITION RELATING TO RECREATIONAL VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (4), the owner or operator of a recreational vessel shall neither operate in nor discharge any discharge incidental to the normal operation of the vessel into, the waters of the United States or the waters of the contiguous zone, if the owner or operator of the vessel is not using any applicable management practice meeting standards established under this subsection.''.

S. 3298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED VESSEL.—The term ''covered vessel'' means a vessel that is—

(A) less than 79 feet in length; or

(B) a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

(3) OTHER TERMS.—The terms ''contiguous zone'', ''discharge'', ''ocean'', and ''State'' have the meanings given the terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) NO PERMIT REQUIREMENT.—Except as provided in subsection (b), during the 2-year period beginning on the date of enactment of this Act, the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; or

(3) any other discharge incidental to the normal operation of a covered vessel.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to—

(1) rubbish, trash, garbage, or other such materials discharged overboard;

(2) other discharges when the vessel is operating in a capacity other than as a means of transportation, such as when—

(A) used as an energy or mining facility;

(B) used as a storage facility or a seafood processing facility;

(C) secured to a storage facility or a seafood processing facility; or

(D) secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development;

(3) any discharge of ballast water; or

(4) any discharge in a case in which the Administrator or State, as appropriate, determines that the discharge—

(A) contributes to a violation of a water quality standard; or

(B) poses an unacceptable risk to human health or the environment.

SEC. 3. STUDY OF DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and the heads of other interested Federal agencies, shall conduct a study to evaluate the impacts of—

(1) any discharge of effluent from properly functioning marine engines;

(2) any discharge of laundry, shower, and galley sink wastes; and

(3) any other discharge incidental to the normal operation of a vessel.

(b) SCOPE OF STUDY.—The study under subsection (a) shall include—

(1) characterizations of the nature, type, and composition of discharges for—

(A) representative single vessels; and

(B) each class of vessels;

(2) determinations of the volumes of those discharges, including average volumes, for—

(A) representative single vessels; and

(B) each class of vessels;

(3) a description of the locations, including the more common locations, of the discharges;

(4) analyses and findings as to the nature and extent of the potential effects of the discharges, including determinations of whether the discharges pose a risk to human health, welfare, or the environment, and the nature of those risks;

(5) determinations of the benefits to human health, welfare, and the environment from reducing, eliminating, controlling, or mitigating the discharges; and

(6) analyses of the extent to which the discharges are currently subject to regulation under Federal law or a binding international obligation of the United States.

(c) EXCLUSION.—In carrying out the study under subsection (a), the Administrator shall exclude—

(1) discharges from a vessel of the Armed Forces (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a));

(2) discharges of sewage (as defined in section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) from a vessel, other than the discharge of graywater from a vessel operating on the Great Lakes; and

(3) discharges of ballast water.

(d) PUBLIC COMMENT; REPORT.—The Administrator shall—

(1) publish in the Federal Register for public comment a draft of the study required under subsection (a);

(2) after taking into account any comments received during the public comment period, develop a final report with respect to the study; and

(3) not later than 15 months after the date of enactment of this Act, submit the final report to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S. 3268

Mr. MCCONNELL. Mr. President, in connection with debate on the motion to proceed, I ask unanimous consent that the time allocated to my side before the vote be equally divided between Senator DOMENICI and Senator CORNYN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SERIOUS SOLUTION

Mr. MCCONNELL. Mr. President, today the Senate will continue debate on the No. 1 domestic issue facing the Nation, but it now seems clear that the majority is not interested in a full and open debate, is not interested in good ideas from all sides, and is designing floor debate that is designed to fail. That is simply unacceptable. I was disturbed to read this morning that our friends on the other side are considering only a brief and limited consideration of this bill. It is troubling that at a time of $4.06-a-gallon gas, the Senate would treat the issue as if it is some technical corrections bill. Let me assure my friends it is not.

Let's be absolutely clear, Republicans will not accept a perfunctory approach to the problem. We are not content with a check-the-box exercise. More important, the American people will not accept a timid approach to such a major problem. This is the biggest issue in the country by far. The only thing I can recall in recent years that rivals it was terrorism right after 9/11. The Republican conference is interested in a solution. We are not interested in holding a pair of votes so that we can go home with political cover to blame the other side for our collective lack of accomplishment.

Let's be clear, speculation-only legislation is a very little piece to a massive problem. Americans are facing

that problem every day at the pump. The American people are speaking very clearly about what needs to be done, and the Senate has the ability to answer their call. Americans are going to continue to demand a serious solution that gets at both supply and demand. Nothing less can be seen as a solution. Nobody can say with a straight face that simply addressing speculation, a very narrow part of the problem, is a serious approach.

The majority seems less concerned with passing a bill which can bring down the price of gas and more concerned with just passing some bill. But it wasn't too long ago that the majority party, regardless of which party was in control, welcomed an open debate on energy legislation.

Let's look back to last year. Last year, when the Senate considered the Energy Independence and Security Act and when gas was $3.06 a gallon, 49 amendments were agreed to out of the 331 which were filed. Of those amendments, 16 received rollcall votes. In 2005, when the price of gas was $2.26 a gallon, a Republican majority allowed 19 rollcall votes on amendments during debate on the Energy Policy Act of 2005. A total of 57 amendments were agreed to out of 235 proposed. Neither of these bills was rushed through in less than a week. We spent 15 days on the floor debating last year's Energy bill and 10 days in 2005 because we wanted to make sure we got it right, that ideas from both sides were considered, that the legislation would have the needed impact.

We need to do that again. The current cost of gas is a serious problem that requires a very serious approach. The Senate insults the American people if it treats this problem with anything less than the seriousness such a big problem requires. We need to find more and use less. We need to consider good ideas from all sides, and we need to take seriously that energy is the No. 1 issue facing our country and act on it now. We simply can't go through a failed process, claim credit for trying, and then go home. Americans know better, and Americans expect more.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BLOCKING SOLUTIONS

Mr. REID. Mr. President, the code word is that all Democrats want to do something ''perfunctory.'' That is code for blocking another bill. We are up to 83. They have blocked those. Obviously, they are now going to block this oil legislation.

Look at this picture. The Republicans introduced their bill on what to do about the energy problems. Part of that bill deals with speculation. We, the Democrats, think speculation is part of what is driving up these oil prices. But we didn't just dream this up. Academics, economists say that the cost of oil is 20 to 50 percent speculation. My friend the Republican leader said it is a little issue, speculation. If the price is 20 to 50 percent speculation, according to which economist or academic one talks to, that is a pretty big deal. If you lower the price of oil by 20 percent, that lowers gasoline well below $4 a gallon; 50 percent knocks it to $2 a gallon. That sounds like a pretty big issue to me.

I don't think it is just by chance that once we introduced this bill, oil prices started to drop, because much of the speculation takes place by people who have no inkling they will ever use the oil. Prior to 2006, it was against the law, but the Republican-dominated Congress passed a law saying you don't have to take possession of the oil; you can just go ahead and buy it. That is what has happened. That is why speculation is an important piece of legislation.

Let's assume that is all we did, nothing but speculation. Remember, it is part of their bill, and we think it is a big part of what is the problem in America today. Let's assume we only did that. That would seem to be a pretty big step in the right direction, if we were able, with a piece of legislation, to lower the price of oil even by the small amount of 20 percent and maybe by the 50 percent some say. But they obviously do not want us to do that.

Let's go to the next step.

We see ads being paid for all over the country by whom? Oil companies. Oil companies are saying: Join with our Republican colleagues in the Senate and drill more, drill more, drill more. You get the picture? Oil companies, Republicans in the Senate? Republicans are looking at these ads paid for by the big oil companies, full-page ads.

They can afford them. They made $250 billion last year.

We Democrats are not opposed to drilling. Right now, there is 68 million acres available onshore and offshore. In addition, there is a lot of oil in other places. All the Interior Department has to do is lease the land. They have the authority to do that. There is no moratorium on any of that. In Alaska alone, there is 25 million additional acres which oil people say is a gold mine for oil. They can go drill there now. What the Republicans want—and we see what they are doing here—is to protect the oil companies. Just as Bush and CHENEY have done for 8 years, the most oil-friendly administration in our history is now being supported by their friends, as they have for 8 years, Republicans in the Senate.

Republicans in the Senate, the oil companies, they want yesterday forever. We want to change. That is why someone like T. Boone Pickens has joined with Al Gore. Get that picture again. T. Boone Pickens and Al Gore? They have joined together saying: Oil is not where it is. We have to get away from our addiction to oil. We have to get rid of our addiction to oil. Al Gore says that. He lays out the problem very well. Here comes T. Boone Pickens with a solution. He says we should have a little bridge, after a few years of using natural gas, and then it should be all renewable energy.

We have tried now for months to get a renewable energy tax credit. Senator DURBIN asked me to meet with one of his constituents yesterday. I was so impressed with this man. He is an immigrant to the United States from the Ukraine. He has made a couple fortunes. He is now a big player in windmills.

He has 2,000 megawatts of electricity being produced from windmills. That is a lot of electricity—a lot of electricity. It is much larger than the coal-fired generating plant which was one of the largest in the country in Mojave in Nevada which just closed because it was so dirty. It is bigger than that. It is huge what he is doing. But he came to us and said: I am about to lose everything—everything—because the banks are going to withdraw my loans because the tax credit is not here next year.

So here is the picture—again, talking about a picture for the third time. The Republicans have obviously told us they are going to block legislation dealing with oil. We have said: Let's do speculation. They have talked now for weeks about drilling. They have talked about what the oil companies are advertising they want to do with full-page ads. They want to drill. They want to leave the decision to be made by the Governors.

We have said now for more than a week: Let's vote on that. No, that is not what we want to do. The Republican whip yesterday told the Democratic whip they have 28 amendments. That is not a serious effort to move forward on this legislation. They have been saying and following the lead of the oil companies saying: We want to use less, drill more. And we are saying: Let's vote on your proposal. They are saying, no, no way, because we are filibustering another piece of legislation—83.

So the American people understand we have people over there on that side of the aisle who have joined with big oil. They are very happy they are running the ads. They are saying: No, we are not going to do anything about speculation, and even though we have talked about this great panacea to all the problems America faces, we will drive down prices immediately with our amendment on drilling. We are saying: Fine, let's vote on your amendment. They say: No, thanks.

Mr. CORNYN. Mr. President, will the distinguished majority leader yield for one question?

Mr. REID. Mr. President, I will be happy to yield.

Mr. CORNYN. Mr. President, I would ask the distinguished majority leader,

I am informed he had stated in his earlier remarks that 20 percent of the problem we have with high oil prices now is the result of speculation. I was wondering if the distinguished majority leader would—that is the first time I had heard that figure. I wonder if he could provide a citation or some place——

Mr. REID. Mr. President, I would say to my friend, if it is the first time you have heard it, with all due respect, you have not been listening to what has been going on on the Senate floor. I am not the only one who has said it. Many people have said it. I would be happy to place in the RECORD—and the first person we will place in the RECORD is somebody who was a high-ranking official with the commodity futures trading organization, where he says it is 50 percent. Now, that is in the RECORD already. I will be happy to repeat his name, and we will spread this all through the RECORD. He says 50 percent. Many others say it is 20 percent. That is why we believe speculation is an important piece of this legislation.

I say to my friend from Texas, as I said earlier, if the man who says it is as much as 50 percent wrong, and it is only 20 percent, that is still a big chunk out of this, and it must mean it is worthwhile pursuing because in the Republicans' proposal you have in your proposal a speculation piece.

Mr. CORNYN. Mr. President, I would respond briefly and say to the distinguished majority leader, I have been listening. I have been on the floor literally every day talking about this issue. But I will say what surprised me about the 20-percent figure is that Warren Buffett, the CEO of Berkshire Hathaway, said it is not speculation that is driving up the price of oil, it is supply and demand.

So that is why I was asking for a citation because it is the first time I have heard it. I do not think I am the only one, and I have been listening.

Mr. REID. Before I leave the floor, Mr. President, I will simply say that Warren Buffett is a great guy. I like him very much. But keep in mind, he has not made his money in oil. He has made his money selling furniture and insurance and other things of that nature. Warren Buffett is a great person. I have great respect for his ability to make money. But he has not made it in oil. I think we need to look at some of the other experts in this regard.

I repeat, there must be some substance to it. The Republicans have it in their legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3268, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, later this morning, we are scheduled to vote on the motion to proceed to the legislation that the majority leader was referring to. This legislation is entitled the Stop Excessive Energy Speculation Act of 2008. This is legislation that is designed to shed additional light on trading activities in global oil markets.

I hope very much the Senate will vote to invoke cloture this morning and that we can proceed, and do so in a bipartisan fashion, to debate the legislation. The topic of speculative investment in our energy markets has been the subject of many hearings throughout many committees of the Senate.

In our own committee, the Senate Energy and Natural Resources Committee that I chair, along with a handful of other committees, we have had something approaching 30 or 40 hearings during the 110th Congress on this subject. We have heard testimony from industry analysts, traditional producers and consumers of petroleum products, that the recent runup in crude prices can be attributed, at least in part—and there is debate about whether it is 20 percent or more or less, but this runup in prices can be attributed, at least in part, to what are referred to by some of the experts as the ''new fundamentals'' in our energy markets.

We had Dan Yergin, from Cambridge Energy Associates, who testified at a workshop we had in the Energy and Natural Resources Committee last week, and he talked about the new fundamentals, as he has now for some time. These new fundamental forces include nontraditional investment flows into energy commodity markets, as asset managers seek to hedge against inflationary risks and hedge against the decline in the value of the dollar.

This flight of investments into commodities is a symptom of our ailing economy in general. But it also poses a number of serious questions from an energy market perspective. Among those are whether and how the influx of billions of dollars in relatively passive investment is impacting the fundamental price-discovery functions these financial markets are intended to perform; that is to say, to some pension fund managers and index investors taking positions in the oil markets, the price of a barrel of oil on any given day may not be very important. Whether the price is $5 or $500 per barrel, their oil market positions are designed to balance the risk they have in other parts of their portfolio, and they have made a policy judgment to put 10 percent of their portfolio in commodity markets, the oil market being prime among those.

So the question for policymakers is whether this investment—this new fundamental: the demand for paper barrels, as it was referred to at our workshop last week—has begun to swamp the price signals that are generated by the more traditional hedgers, the large producers, and consumers of petroleum products in tune to the real-time dynamics of supply and demand. Supply and demand is still a significant factor in the price of oil. There is no question about that. But these new fundamentals are also a significant factor in the view of many experts who have testified to our committee.

During the course of the multiple hearings we have held in the Energy Committee, through a series of related correspondence we have had with the Commodity Futures Trading Commission, and in the ensuing debate in the Senate, I believe that a compelling case has been made that the Commodity Futures Trading Commission requires more authority, needs more authority, needs more resources, needs more explicit direction from Congress to examine these issues in detail.

That is what Senator REID's legislation tries to accomplish. Senator REID's legislation would provide the CFTC, the Commodity Futures Trading Commission, with the tools to do that. It does several things. Let me mention a few.

It codifies recent CFTC initiatives related to the conditions under which the United States will allow traders access to foreign boards of trade on which energy commodity contracts are listed. That is an important signal to the market that the United States will take a stronger stand on efforts to circumvent domestic trading rules.

The second thing it does is it provides much greater transparency in over-the-counter markets. This is another key building block to putting in place forward-leaning regulatory policies adapted to the increasingly global and electronic environment in which energy is bought and sold.

The third thing this legislation does is it includes a number of provisions designed to shine additional light on the nexus, or connection, between the physical commodity and the financial energy markets, and to ask some of the same questions about natural gas markets that we have been asking about petroleum over the last few months. I believe this is an important effort. Particularly it is an important effort in light of what may prove to be a very difficult winter heating season.

There are clearly ways in which this underlying legislation can be improved

if we have the bipartisan will to do so. In addition, I know some on the other side of the aisle would like to expand the debate on the energy speculation bill to address, in addition, supply and demand-related issues. I believe Senator REID has indicated an openness to having that done as well, if we can come together on a plan for consideration of amendments.

It is clear to me there is indeed more we can do on the topic of curtailing demand and expediting the availability of domestic supply in the United States. I hope we can offer proposals along these lines in the days ahead. Hopefully, we can find some areas of commonality on those measures as well.

The first step toward getting to this serious debate—which I think we all believe should occur—the first step to achieving consensus in the Senate is to invoke cloture this morning on the motion to proceed to the energy speculation bill that Senator REID has brought forward.

I urge my colleagues to do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished chairman of the Senate Energy Committee, who is very knowledgable on this subject. I do say to him that I do believe that I and others on this side of the aisle will vote to invoke cloture on the speculation provision. But I do have some questions about it.

First of all, I asked the majority leader how much of the problem of the high price of oil was caused by speculation. He said some people say 20 percent. I cited to him Warren Buffett, a multibillionaire, somebody who knows a lot about financing, and he said he thought it was supply and demand. T. Boone Pickens, one of my constituents, who has made a lot of waves here recently, talking about the importance of wind energy and talking about the importance of natural gas, said that focusing on speculation is a waste of time.

Now, I do not know whether it is a waste of time or whether it is 20 percent. But I would ask the majority leader, why are we only going to focus—assuming you are right and speculation is 20 percent of the problem—why are we only going to focus on a 20-percent solution? Why not focus on the 80 percent he is leaving on the table by not talking about supply and demand?

Of course, while Congress continues to not do things that might have an impact, we have seen, since January 4, 2007—since the Democratic majority took power—the price of gasoline, which was $2.33 a gallon, today has dropped just a little bit, dropped a nickel, to $4.06 a gallon.

Here is what Warren Buffet, the chairman and CEO of Berkshire-Hathaway, told us:

It's not speculation, it is supply and demand.

I am not saying this, but let's say somebody would say he is wrong and Senator REID is right, it is 20 percent. How come we are not talking about that remaining 80 percent? That, frankly, is what our side of the aisle would like to talk about. We would like to talk about a 100-percent solution, assuming that is humanly possible.

I was in Texas this weekend. Yesterday I hosted a press conference at the Flying J truckstop on I–35 in Waco, TX. I must tell you, all I hear from my constituents back home is how the high price of gasoline is not only pinching their budget but making it harder for them to get by.

I also went to the North Texas Food Bank in Dallas. Of course I talked to a lot of the volunteers and other staff there who are doing great work providing food for people who are hungry. What they are telling me is that the high price of fuel is increasing the cost of food. Using ethanol, using corn for fuel, is causing additional pressure on food prices. We are finding that not only are people suffering more at the pump when they go to fill up their tank, actually they are finding it harder to put food on the table, putting more and more pressure on charitable organizations such as the North Texas Food Bank.

Try as we might, there is one law that we simply can no longer refuse to acknowledge, and that is the law of supply and demand. We know world demand is going up because rising economies such as China and India, countries of more than 1 billion people each, want more of what we have. They want to be able to buy cars, they want to be able to drive those cars, they want the prosperity that comes with access to energy that we in America have had pretty much to ourselves for a long time.

It is important for Congress to realize the one power we do have, frankly, is the power to lift the moratorium on the 85 percent of the Outer Continental Shelf where we know there are vast supplies of oil and natural gas. For every barrel of oil that we produce in America, that is one barrel less we have to buy from the Middle East, including OPEC, the Organization of Petroleum Exporting Countries, which includes countries such as Iran, or from countries such as Venezuela, from Hugo Chavez, someone who obviously does not wish us well.

We know there are ways to come up with new sources. Unfortunately, every time we bring up new energy sources to try to bring down the price of oil by producing more supply at home we are told we cannot do that; that is, offshore exploration was blocked, oil shale was blocked, which reportedly accounts for about 2 million additional barrels of oil that we can produce in America, in Colorado, Utah, and Wyoming. ANWR, a 2,000-acre postage stamp in a huge expanse of land in the Arctic that could produce as many as 1 million barrels of oil a day, that is blocked.

It does not just stop there. We say we need to do something about rising electricity costs as well, so why can't we build some nuclear powerplants? We have been told we cannot do that either; that is blocked.

Why can't we figure a way to use the coal we have in America? We have been called the Saudi Arabia of coal. The problem is, coal is dirty. But we have the technology, we have the know-how, I believe, using good old-fashioned American ingenuity and our world class institutions of higher education to do the research, to learn how to use it cleanly. Clean coal research and technology—that has been blocked as well.

Increasingly, it sounds as though either we are engaged in a nonsolution, if you believe Mr. Buffet—and the majority leader is going to confine us simply to a speculation provision—or, at best, according to the majority leader's own words, we are only going to be dealing with 20 percent of the problem. I think we ought to deal with 100 percent of the problem. Unfortunately, it seems as though every time we bring up the issue of more domestic supply, our friends on the other side of the aisle, who control the floor and control the agenda by virtue of their being in the majority, have simply said: No. No.

Unfortunately, no new energy continues to mean higher prices for the American consumer.

On this side of the aisle we have introduced a bill that has the support of 46 Republicans. We skinnied it down to try to eliminate controversial issues, and we said: Let's look at the speculation component. Let's look at greater transparency. Let's look at putting more cops on the beat, more human resources to make sure we supervise and we analyze and we make sure we police the commodity futures market for abuses. But we don't just stop there. We don't stop with a 20-percent solution. We provide a comprehensive solution by saying yes to domestic oil supply, using what God has given us in this country in a way that will allow us to be less dependent on imported oil from the Middle East.

As we continue to do that—and this is the other component of the gas price reduction bill I am referring to, that has 46 cosponsors—we say let's continue to do the research on renewable and alternative fuels because one day it may well be that we are all driving battery-powered cars that we literally plug into the wall socket at night to charge those batteries. That is what the major car companies are going to be introducing into the marketplace in 2010.

As we continue to do research in wind energy or solar to generate electricity, we continue to do research into how to use coal to transform it into liquid so we can turn it into aviation fuel. Believe it or not, that is what the U.S. Air Force is doing right now. It is flying some of its most sophisticated airplanes using synthetic fuel made

from coal, coal to liquid. The challenge we have, of course, is to try to make sure we can sequester the carbon dioxide produced from that.

I don't know why every time we try to find more and we try to talk about the importance of conservation that our Democratic friends, including the majority leader, just simply say no. Why they would offer either a nonsolution or a 20-percent solution, depending on whether you want to believe T. Boone Pickens or you want to believe the majority leader—T. Boone Pickens, who said just addressing speculation is a waste of time; Warren Buffet, who said it is not speculation but supply and demand that is the problem. But let's say the majority leader is right, and both of them are wrong. At best we have a 20-percent solution. I think America needs better than that.

The strange thing about it is I don't know why we would resist going onto this bill and offering amendments that would provide a 100-percent solution to America's energy problems. Find more and use less is the formula we would like to see enacted in this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is fascinating to come out here and listen to false choices. Let me describe this issue of find more, drill more. I am for drilling. I am for everything. But that is yesterday forever. It is the same folks who every 10 years show up and say: Let's keep doing what we have been doing, that sure is good, except the hole keeps getting deeper. If we don't have something that is game changing, 10 years from now they will be back talking about ''find more.''

The false choice is this: This chart shows the National Petroleum Reserve Alaska. We have made all 23 million acres of it available for drilling. Only 3.8 million acres have been leased. There is more oil in the National Petroleum Reserve Alaska than exists in ANWR. An estimated 9 million barrels of oil and 60 trillion cubic feet of natural gas are available in the National Petroleum Reserve Alaska. Yet some policymakers trot out their little horn ornament called ANWR and say: You have to agree to drill in ANWR or you are not for drilling.

How about this? How about this 23 million acres? It is a canard and false choice to come out and suggest that somehow, as my colleague said, Democrats are against drilling. That is absurd. It is just not the case.

What we need to be for, it seems to me, is something that is game changing, something that says let's not be in this same position 10 years from now. John F. Kennedy didn't say let's try to go to the Moon or I would like to think about going to the Moon or maybe we will make an effort to go to the Moon. He said: We are going to put a man on the Moon by the end of a decade.

That is what we ought to do with respect to the change in energy policy. You will get no change from those who come to the floor of the Senate and say let's keep doing what we have been doing even though the hole is getting deeper.

Here is what is happening. We need to do first things first. The first hurdle in front of us is to shut down the dramatic speculation on the oil futures market. Speculators were 37 percent of the people in the oil futures market in the year 2000. Now oil speculators are 71 percent of the market. They have broken the market. There is nothing my colleagues can point to in the last 12 months that happened in supply and demand that would justify a doubling of the price of oil—nothing. Yet, interestingly enough, 47 Members of the other side of the aisle have said speculation is at least part of the problem. In fact, there is a provision on speculation in the bill of Senator MCCONNELL, the minority leader's bill that was offered in the Senate.

If 47 of them believe speculation is part of the problem, let's at least address that first. It seems to me if you are running the hurdles, you jump the hurdles in front of you. Why not do this first, even as we work on a wide range of other issues as described by my colleague, Senator BINGAMAN? We are drilling, and we should continue to drill in a responsible way in certain areas of the country.

I was one of four Senators who helped open lease 181 in the Gulf of Mexico. It was a big fight. Guess what. It has been open now for a couple of years, and there is not one drilling rig on it because the oil folks aren't there. Yet they send folks to the floor of the Senate to say we need to get Democrats to allow us to drill more. There are 8 million acres we opened in the Gulf of Mexico. There is substantial new oil and gas available on those 8 million acres. Yet they are not there drilling. Why?

The entire master narrative in this debate in the Senate is the minority wanting to say somehow the majority doesn't support drilling. It is a false choice, and they know it.

The question is this: Will they support shutting down the excessive relentless speculation in the oil futures markets? Will they support that? Are they going to stand on the side of the oil speculators and say we kind of like what is going on; we like seeing the price of oil double in a year?

Let me point out again that there is nothing that has happened in supply and demand that would remotely justify the doubling of the price of oil in a year. Yet they come to the floor with their charts and say: Produce more.

I am for producing more. It is a false choice to suggest they support producing more and we do not. But the question is, what are you going to do to deal with the problem today? Then, what are you going to do as we go forward to suggest something that is really game changing, that allows us to be free and escape from the need to rely on Saudis to ship us oil?

My colleague just described a quote from T. Boone Pickens. He must have forgotten the quote from R. Boone Pickens that says: You can't drill your way out of this mess. You can't drill your way out of this. What we need to decide as a country is we are not going to have to go begging for oil from the Saudis, from Venezuela, Iraq, and elsewhere because we have changed our energy mix.

So if 47 members of the minority have talked about speculation being a problem, perhaps we can at least address this first issue. Then we should work on the wide range of other things—substantial conservation; substantial new initiatives with respect to energy efficiency; yes, more production; and most important, dramatic moves toward renewable energy: wind energy, solar, geothermal, biomass.

It is long past the time for this country to decide we are going to change our energy mix. How are you ever going to get to hydrogen fuel cell vehicles—or, in the interim, to electric vehicles—if you do not get serious about deciding we are going to change our energy future? If you want to be yesterday forever, God bless you, but don't count me among you. I don't want to be here 10 years from now—I don't know that I would be—but I don't want to be here every single decade to see the same folks coming to the Senate floor to say let's keep digging the same hole. How? Just because drilling is the only answer.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. Six-and-a-half minutes.

Mr. DORGAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, day after day record-high oil and gasoline prices are hurting millions of American consumers and businesses. Unless we act, the record-high prices will continue to reverberate throughout our economy, increasing the prices of transportation, food, manufacturing and everything in between, endangering the economic security of our people and our Nation.

The price of crude oil recently reached a record high price of about $147 per barrel. Sky-high crude oil prices have led to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. The national average price of gasoline is at a record high of about $4.11 per gallon. Jet fuel costs nearly $4.30 per gallon. The price of diesel fuel, which is normally less expensive than gasoline, has soared to a record high of nearly $4.85 per gallon.

Rising energy prices greatly increase the cost of getting to work and taking our children to school, traveling by car, truck, air and rail, and growing the food we eat and transporting it to market. Rising energy prices greatly increase the cost of producing the

medicines we need for our health, heating our homes and offices, generating electricity, and manufacturing industrial and consumer products. The relentless increase in jet fuel prices has caused airline layoffs, fare increases, and service cuts. ''If fuel continues to go up, this industry cannot survive in current form,'' the president of the Air Transport Association said recently. Rising diesel prices have placed a crushing burden upon our Nation's truckers, farmers, manufacturers, and other industries.

My Senate Permanent Subcommittee on Investigations has conducted four separate investigations into how our energy markets operate. Last December, we had a joint hearing with Senator DORGAN's Senate Energy Subcommittee on the role of speculation in rising energy prices. As a result of these investigations and hearings, I have proposed several measures to address the rampant speculation and lack of regulation of energy markets which have contributed to sky high energy prices.

These investigations have shown that one key factor in price spikes of energy is increased speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a demand for paper contracts that gets translated into increases in prices and increasing price volatility.

Much of this increase in trading of futures has been due to speculation. Speculators in the oil market do not intend to use oil; instead they buy and sell contracts for crude oil in the hope of making a profit from changing prices. The number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to almost 1.2 million contracts, which represents almost 40 percent of the outstanding futures and options contracts in oil on NYMEX. Even this understates the increase in speculation, since the CFTC data classifies futures trading involving index funds as commercial trading rather than speculation.

There are now, as a result, 12 times as many speculative holdings as there were in 2001, while holdings of nonspeculative or commercial futures and options are up but 3 times. According to the basic law of supply and demand, the more demand there is to buy futures contracts for the delivery of a commodity, the higher the price will be for those futures contracts.

Not surprisingly, therefore, this massive speculation that the price of oil will increase, together with the increase in the amount of purchases of futures contracts, has, in fact, helped increase the price of oil to a level far above the price that is justified by the traditional forces of supply and demand.

The president and CEO of Marathon Oil recently said, ''$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.'' Mr. Fadel Gheit, oil analyst for Oppenheimer and Company describes the oil market as ''a farce.'' ''The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.'' In January of this year, as oil hit $100 a barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote ''the larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.'' At the joint hearing on the effects of speculation we held last December, Dr. Edward Krapels, a financial market analyst, testified, ''Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade . . . It would be amazing if oil somehow escaped this effect.'' Dr. Krapels added that as a result of this speculation, ''There is a bubble in oil prices.''

The need to control speculation is urgent. The presidents and CEOs of major U.S. airlines recently warned about the disastrous effects of rampant speculation on the airline industry. The CEOs stated ''normal market forces are being dangerously amplified by poorly regulated market speculation.'' The CEOs wrote, ''For airlines, ultra-expensive fuel means thousands of lost jobs and severe reductions in air service to both large and small communities.''

As to reining in speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses. In the spring of 2001, when my Senate Permanent Subcommittee on Investigations began investigating our energy markets, the price of a gallon of gasoline had spiked upwards by about 25 cents over the course of the Memorial Day holiday. We subpoenaed records from major oil companies and interviewed oil industry experts, gas station dealers, antitrust experts, gasoline wholesalers and distributors, and oil company executives. We examined thousands of prices at gas stations in Michigan, Ohio, California, and other States. In the spring of 2002, I released a 400-page report and held 2 days of hearings on the results of the investigation.

The investigation found that increasing concentration in the gasoline refining industry, due to a large number of recent mergers and acquisitions, was one of the causes of the increasing number of gasoline price spikes. Another factor causing price spikes was the increasing tendency of refiners to keep lower inventories of gasoline. We also found a number of instances in which the increasing concentration in the refining industry was also leading to higher prices in general. Limitations on the pipeline that brings gasoline into my home State of Michigan were another cause of price increases and spikes in Michigan. The report recommended that the Federal Trade Commission carefully investigate proposed mergers, particularly with respect to the effect of mergers on inventories of gasoline.

The investigation discovered one instance in which a major oil company was considering ways to prevent other refiners from supplying gasoline to the Midwest so that prices would increase.

In March 2003, my subcommittee released a second report detailing how the operation of crude oil markets affects the price of not only gasoline, but also key commodities like home heating oil, jet fuel, and diesel fuel. The report warned that U.S. energy markets were vulnerable to price manipulation due to a lack of comprehensive regulation and market oversight.

For years I have been working with Senators FEINSTEIN, DORGAN, SNOWE, BINGAMAN, CANTWELL, and others on legislation to restore some regulatory authority in the energy markets that had been exempted from regulation because of an ''Enron loophole'' that was inserted at the last minute into an omnibus appropriation bill in December 2000. For 2 years we attempted to close the Enron loophole, but efforts to put the cop back on the beat in these markets were unsuccessful, due to opposition from the Bush administration, large energy companies, and large financial institutions that trade energy commodities.

In June 2006, I released another subcommittee report, ''The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat.'' This report found that the traditional forces of supply and demand didn't account for sustained price increases and price volatility in the oil and gasoline markets. The report concluded that, in 2006, a growing number of trades of contracts for future delivery of oil occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

That subcommittee report, again, recommended new laws to provide market oversight and stop excessive speculation and market manipulation. I coauthored legislation with Senators FEINSTEIN, SNOWE, CANTWELL, BINGAMAN, and others to improve oversight of the unregulated energy markets. Once again, opposition from the Bush administration, large energy traders, and the financial industry prevented the full Senate from considering this legislation.

In 2007, my subcommittee addressed the sharp rise in natural gas prices and released a fourth report, entitled ''Excessive Speculation in the Natural Gas Market.'' Our investigation showed that speculation by a single hedge fund named Amaranth had distorted natural gas prices during the summer of 2006, and drove up prices for average consumers. The report also demonstrated how Amaranth had shifted its speculative activity to unregulated markets to

avoid the restrictions and oversight in the regulated markets, and how Amaranth's trading in the unregulated markets contributed to price increases.

Following this investigation, I introduced a new bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working again with Senators FEINSTEIN and SNOWE, and with the members of the Agriculture Committee in a bipartisan effort, we finally managed to include an amendment to close the Enron loophole in the farm bill that was then being considered by the Senate. Although the CFTC's new enforcement authority over these electronic markets was effective upon passage of this legislation, much of the CFTC's new oversight authority will have to be implemented through CFTC rulemaking.

Although the legislation to close the Enron loophole is important to reduce speculation in energy markets, it is not sufficient because a significant amount of U.S. crude oil and gasoline trading now takes place in the United Kingdom, beyond the direct reach of U.S. regulators. So we have to address that second loophole too.

One of the key energy commodity markets for U.S. crude oil and gasoline trading is now located in London, regulated by the British agency called the Financial Services Authority, FSA. However, the British regulators traditionally have not imposed any limits on speculation like we do here in the United States, and the British do not make public the same type of trading data that we do, i.e. it is less transparent. This means that traders can avoid the limits on speculation in crude oil imposed on the New York exchanges by trading on the London exchange. This is what is referred to as ''the London loophole.''

The Stop Excessive Energy Speculation Act—Energy Speculation Act—which the majority leader and others recently introduced to address high prices and reduce speculation, includes a number of provisions that will help stop rampant speculation and increase our access to timely and important trading information and ensure that there is adequate market oversight of the trading of U.S. energy commodities no matter where the trading occurs. One of the key provisions in the Energy Speculation Act would close the London loophole.

The Energy Speculation Act would close the London loophole by requiring the Commodity Futures Trading Commission, CFTC, to determine whether a foreign exchange imposes comparable speculative limits and comparable reporting requirements on speculators that the CFTC imposes on U.S. exchanges prior to allowing traders in the U.S. trading U.S. energy commodities to access that exchange through a terminal located in this country. It would also give the CFTC authority to take action, such as by requiring traders to reduce their holdings, in the event that traders exceed these limits.

The legislation in the Energy Speculation Act to close the London loophole is very similar to legislation I previously introduced with Senators FEINSTEIN, DURBIN, DORGAN and BINGAMAN, S. 3129, to close this loophole. The legislation we introduced was also incorporated into legislation introduced by Senator DURBIN, S. 3130, which, like the provisions of the Energy Speculation Act, would give the CFTC more resources and to obtain better information about index trading and the swaps market.

After these two bills were introduced, the CFTC imposed more stringent conditions upon the ICE Futures Exchange's ability to operate in the United States—for the first time insisting that the London exchange impose and enforce comparable position limits in order to be allowed to keep its trading terminals in the United States. This is the very action our legislation called for.

Although the CFTC has taken these important steps that will go a long way towards closing the London loophole, Congress should still pass the legislation to make sure the London loophole is closed. The Energy Speculation Act would put into statute the conditions the CFTC has stated the London exchange must meet before it will allow it to operate its terminals in the United States, and it would ensure that the CFTC has clear authority to take action against any U.S. trader who is excessively speculating through the London exchange or manipulating the price of a commodity, including requiring that trader to reduce holdings.

There is also concern that some large traders may be avoiding the limits on holdings and accountability levels that apply to trading on the regulated futures exchanges by trading in the unregulated OTC market. In the absence of data or reporting on the activity in the OTC market, however, it is difficult to estimate the impact of this large amount of unregulated trading on commodity prices. Moreover, even if we were to get better information about unregulated over-the-counter trades, the CFTC has no authority to take action to prevent excessive speculation or price manipulation resulting from this unregulated trading.

The legislation to close the Enron loophole placed OTC electronic exchanges under CFTC regulation. However, this legislation did not address the separate issue of trading in the rest of the unregulated OTC market, which includes bilateral trades of swaps through voice brokers, swap dealers, and direct party-to-party negotiations.

I recently introduced, along with Senator FEINSTEIN, the Over-the-Counter Speculation Act, legislation that addresses the rest of the OTC market, a large portion of which consists of the trading of swaps relating to the price of a commodity. Generally, commodity swaps are contracts between two parties where one party pays a fixed price to another party in return for some type of payment at a future time depending on the price of a commodity. Because some of these swap instruments look very much like futures contracts—except that they do not call for the actual delivery of the commodity—there is concern that the price of these swaps that are traded in the unregulated OTC market could affect the price of the very similar futures contracts that are traded on the regulated futures markets. We don't yet know for sure that this is the case, or that it is not, because we don't have any data or reporting on the trading of these swaps in the OTC market.

The Energy Speculation Act introduced by the Majority Leader and others includes this legislation to give the CFTC oversight authority to stop excessive speculation in the over-the-counter market. These provisions in the Energy Speculation Act and in our Over-the-Counter Speculation Act represent a practical, workable approach that will enable the CFTC to obtain key information about the OTC market to enable it to prevent excessive speculation and price manipulation.

This legislation will ensure that large traders cannot avoid the CFTC reporting requirements by trading swaps in the unregulated OTC market instead of regulated exchanges. It will ensure that the CFTC can take appropriate action, such as by requiring reductions in holdings of futures contracts or swaps, against traders with large positions in order to prevent excessive speculation or price manipulation regardless of whether the trader's position is on an exchange or in the OTC market. The approach in this bill is both practical and workable.

Mr. President, I urge my colleagues to vote to proceed to the Stop Excessive Energy Speculation Act. This legislation contains several important provisions that will address the problem of excessive speculation that has been contributing to high commodity prices.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to use the remaining time, including the remaining leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it is good to be with you today to talk about this. Before we begin a vote on a serious subject matter, it is good to talk to you about a few issues and thoughts I have about what is happening and what should be happening during the next 2 weeks in the Congress.

This morning millions of Americans woke up to another costly commute to their workplace. They paid over $4 per gallon to fill their tanks. You will recall that 18 months ago it cost them about $2.60 to purchase the same amount of gasoline.

Family budgets are hurting. On average, the American family will spend $2,200 more for gasoline this year compared to last year. A number of surveys suggest that Americans are driving less because the increased price at the pump is too much a strain on their lives. They are turning to us, their elected representatives, and they are looking for real leadership. Sometimes I wonder whether they have given up or whether they actually expect us to do something. I suggest we ought to do something, and any effort on the part of the majority to make this a couple a day event with a vote on each side or perhaps no votes or no amendments by Republicans, let me say that will not be accepted with very much enthusiasm by the minority, and the Republicans will insist that we stay here until we have had an opportunity to vote on significant amendments that we think the American people are entitled to have put before the Senate.

It seems to me the American people are turning to us, their elected representatives, and asking and looking for some leadership. In overwhelming majorities, the American people are clamoring for more energy production at home. If any oil production or natural gas production exists that we own, which we are not allowing to be produced, the American people are saying: Why not? In fact, they are saying why not open it; let's see what it yields, what it does for us.

The message is clear: Americans are saying we need to drill for more American oil. Now, anything short of allowing up-or-down votes on amendments that will determine whether we honor the request of the American people to drill for more American oil—whether we are going to be permitted to do that is obviously in the hands of the Democratic leader. But I believe we will do our share as the minority—49 of us—to make sure the American people understand whether they are getting a fair shake by us getting a fair shake here on the floor on amendments that would inure to the benefit of the American people. The majority has offered a speculation bill, so far, and that is all we have seen. In the midst of this clarion call from the American people, it now appears my friends on the other side of the aisle might have to be dragged kicking and screaming to even debate whether we need to produce more energy.

After a litany of stale proposals that were rejected—including a windfall profits tax, price gouging, manufacturing taxes, cap-and-trade taxes, and lawsuits against OPEC—the majority seems content to hang its hat on the speculation bill, and a possible ''use it or lose it'' policy. As I speak, it appears that the majority drafts in secret a policy that claims to advocate lower prices while not actually increasing production, and the American people, I believe, will grow more and more impatient, and it will not be hard for them to understand what we are saying as we tell them their impatience is justified.

I wish to address the ''use it or lose it'' issue. You understand that the other side is saying, as far as offshore drilling, there are already leases that exist, where we have given oil companies, large and small, the right to drill for oil or gas under the conditions of the leases that went forth. They were obtained by the oil companies, large and small, by bids. Some bids were very high, some were not so high. All in all, there are a lot of oil companies that have the right to drill. So the other side is asking, how many acres do they have the right to drill upon? And now they are sitting around trying to draft legislation that says they are not using that land they leased from us; they are not using it as much as they should, and we want to pass a law that says: Use it as we prescribe in this new law or lose it.

They are going to try to tell the American people that is the way to get more oil out of parts of the coastal areas of America—understanding they are already leased. Oil companies already have paid money and oil companies are probably already doing everything they can to maximize their return on those leases. Yet, since there are a lot of acres, some of which have not yet produced, they are saying let's look at them and that is where we can get this new oil for America.

We say that is not true. Those leases are time-certain leases, all of them. They are either 5-year or 8-year or 10-year leases. However many millions of acres it is, that is what they are. If you don't produce within the timeframe allowed in the leases—5, 8, or 10 years—then you lose the lease. That is already the law. You already lose it based upon the leases you have.

Let's talk about this idea a little more. This idea was dreamed up in an argument first originated by the Wilderness Society. They claimed that oil companies were sitting on leases, and that if those companies developed those areas, we would not need to open new ones. If only that were true, what a wonderful bonanza we would have for the American people. It is not true. The other side is now saying oil companies must use it or lose it when it comes to these leases. They have proposed adding a tax on companies to punish them for not producing fast enough. This Wilderness Society argument demonstrates a fundamental lack of understanding of how we explore for oil and gas in this country. And the fact that this argument originates with a group that has led at least four major lawsuits in the past 4 years to prevent development in these very same areas speaks to how disingenuous it is. Part of the reason it takes so long for companies to produce is because groups such as the Wilderness Society keep throwing up roadblocks.

Companies are paying lots of money for the right to explore on a lease and are given a short period of time to produce oil. That is the way it is today already. We don't need a new law for that. We don't need new legislation now, when we have a limited amount of time—perhaps 2 or 3 weeks—to debate energy legislation. With the cost of oil at $135 per barrel now, why on Earth would a lessee intentionally sit on a lease and choose not to make money on it?

Why would a company pay money essentially to rent a tract of land and then not use it? I heard the claim that 41 million acres is leased on the Outer Continental Shelf and that acreage, 33 million acres, is not being produced. The use of this statistic shows a fundamental lack of understanding of the long, risky process that begins even before bidding on a lease and hopefully ends with production. The other side is saying that unless oil is literally coming out of the ground on an acre, it doesn't count. Even if the acre is being explored or is in the process of getting an environmental permit or is in any way part of a process that is going on, it doesn't count. Additionally, the use of this argument by groups that consistently go to court to prevent development on existing lease areas speaks volumes about the intent here. Congress currently restricts access to 574 million acres in the Outer Continental Shelf. It actually is clear by any measurable assessment that the majority in Congress is ''sitting on'' far more oil than the oil companies themselves.

There are many different steps toward producing oil, and that, at any given moment, may not be producing but is active and under development. In the 5, 8, and 10 years that a company holds a lease, environmental assessments could be underway. Lessees could be trying to secure permits. The leasing agency could be challenged in litigation and could be reviewing seismic data. All of this takes time. So you look out there and say: It is leased, but it isn't producing yet. Of course not. If somebody tried to produce too quickly, they would be challenged for not spending enough time under the environmental permit laws doing what is required before one can drill.

There are many upfront costs that leaseholders take, that they have to do if they are going to acquire an oil and gas lease. Bonus payments and production, rental payments often cost millions of dollars, and these capital investments are only being made for the ultimate development and production of oil to return a profit on their investment. Simply put, if oil is not produced from a lease, the companies lose money on it.

To claim that companies are ''sitting on'' $135 oil simply ignores the historical fact that because you lease lands does not necessarily mean you are able technically or economically to produce on them or even that there is oil under your lease. But you are entitled to keep it and try to make it productive for the length of time that the lease prescribes within the contents and terms of the document—5 years, 8 years, or 10 years.

Finally, we should point out that the majority already has a ''use it or lose it'' policy. If you are not producing when the term of the lease expires, you turn it back. So this argument really is a fallacy. I have said this before on the floor. It seems as if the more it is said, the more it is documented, the more the other side claims that there are many leases that we should force the lessees to give the land back or produce under some new slogan called ''use it or lose it.''

As the specter of a limited debate lingers with minimal or no opportunity for amendment on this bill, the American family budget continues to be squeezed. Mr. President, 83 days after introducing the American Energy Production Act of 2008, I continue offering a new direction.

In 2006, we opened 8 million acres in the Outer Continental Shelf for leasing. This area contained an estimated 1.2 billion barrels of oil and nearly 6 trillion cubic feet of natural gas. In March of this year, two lease sales on the eastern and central Gulf of Mexico attracted more than $3.2 billion in high bids, upfront bids—a very high payment. The first sale in the central gulf was the largest sale in the history of deepwater OCS leases.

This area is America's new frontier. Today, there are more than 7,000 leases in the Gulf of Mexico that provide 25 percent of the oil produced in the United States and 15 percent of the natural gas produced in the country. The Department of Interior estimates that 300,000 jobs are directly related to gulf energy exploration and the production that comes from that exploration.

As a result of the Gulf of Mexico Security Act, the coastal States stand to reap great benefits from the production of gas through revenue sharing of oil and gas. The following rough estimate provides a window into the opportunity available to other States. According to the Minerals Management Service, Gulf States could receive more than $425 million in oil and gas revenues by 2013, $2.6 billion over the coming decade, and over $30 billion over the next 30 years. Yes, those are accurate estimates. That is what other States—not all of them but some other States—that are on our coasts that might agree to let us look in exchange for giving them the same kind of return we gave Louisiana, Mississippi, and the surrounding States, that is what they could look for. These are huge sums that will be raised and returned to the States through the production of our own energy resources.

They seek to allow coastal States on the Atlantic and Pacific to share in the energy opportunity. I know there are various opinions as to how many we will find there, but we will never know so long as we keep it locked up, which we have done for 26 to 27 years, where nobody would know and tried to hide it from the American people as if it did not belong to them and it was not any good. The truth is, it is theirs in absolute honest-to-God ownership, and it can produce crude oil of the best type and oil in large quantities.

Let's hope that what we do in this area is equal to nearly all the oil produced in the Gulf of Mexico in the last 50 years and is greater than all the oil imported into the United States from the Persian Gulf in 15 years.

This is a big opportunity for the American people, but the majority seems content with small ideas. Within two Congresses, we have passed two major pieces of energy legislation. These two bills were monumental undertakings and required months of deliberation to bring to fruition.

Last Congress, we had EPACT05 on the floor of the Senate for 10 days. We had 23 rollcall votes on the bill, including 19 just for amendments. We had filed 235 amendments to that bill; 57 of them were accepted. That bill took 4 months from the introduction before we sent it to the President.

Last year's Energy bill took almost a year before we had something we could send to the White House. That bill was on the Senate floor for 15 days and had a total of 22 rollcall votes. We filed 331 amendments to that bill and accepted 49 of them.

The majority leader seeks to limit the amendment process in a significant way. I trust we will have the staying power to at least have an opportunity for multiple amendments in the area we are speaking of because the American people deserve it and the American people should have it.

I have completed my remarks. I yield the floor.

Mr. REID. Mr. President, it is my understanding I have 10 minutes under the order. I yield 5 minutes of that time to the Senator from Washington.

Mrs. MURRAY. Mr. President, all of us who go home and listen to our constituents each weekend know one thing and one thing only is on their mind these days; that is, the rising price of gas. I have made a habit of writing down what I pay each weekend when I fly out to Washington State, and when it hit $4 a month or so ago, I was aghast. Imagine what everyone filling their tank in Washington State is thinking now that the price in my home State is pushing $4.50 a gallon. We need action. We need action now.

For months, Democrats have been trying to address this problem by providing short-term relief along with a long-term strategy. For months, we have heard only two things from our friends on the other side of the aisle: No, and drill. Democrats know there is no silver bullet to this crisis. It is going to take a series of steps, both short term and long term, to bring some sanity back to the situation.

Today, we are going to vote on another of those short-term solutions, and we are going to try to end excessive speculation in the markets. Democrats believe we have to rein in Wall Street and our traders who are unfairly driving up these oil prices. With regard for nothing but their own profits, some traders are bidding up oil prices by buying huge quantities of oil just to resell it at an even higher price. For nearly 8 years now, the Bush administration has turned a blind eye and let these questionable practices continue with virtually no oversight. Some experts are saying this kind of trading now accounts for 20 to 30 percent of what we pay at the pump.

The Senator from Texas, Mr. CORNYN, was on the floor earlier and asked for specific citations. Mr. President, I ask unanimous consent to have printed in the RECORD remarks from a series of economists, such as Gerry Ramm of the Petroleum Marketers Association, the Acting Chairman of the Commodity Futures Trading Commission, the former Director of the Commodity Futures Trading Commission, and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Economist Mark Zandi Said Speculation Played a Role in Driving Up Oil Prices. Asked if he believed speculation played a role in driving up oil prices, Zandi responded, ''Yes, I believe so, yes. The oil market has become a financial market. And it's affected by all kinds of speculators, momentum players, people just betting on prices increasing or falling, in this case, obviously, increasing. And so they ran in quickly and drove up the price. And that clearly has played a role. I mean, you don't see a $10 move in the price of oil without some financial speculation involved, as well.'' [PBS Online Newshour, 6/6/08]

Gerry Ramm of the Petroleum Marketers Association of America Blamed Speculation for Driving Up Oil Prices. ''Excessive speculation on energy trading facilities is the fuel that is driving this runaway train in crude oil prices today. Excessive speculation is being driven by what Michael Masters of Masters Capital Management refers to as index speculators, as compared to traditional speculators.'' [Testimony of Gerry Ramm, Petroleum Marketers Association of America, before Senate Committee on Commerce, Science and Transportation, 6/3/08]

Acting Chairman of Commodity Futures Trading Commission Said the Oil Markets Are ''Ripe for Those Wanting to Illegally Manipulate the Market.'' Walter Lukken, Acting Chairman of the Commodity Futures Trading Commission, conceded that crude oil markets are ''ripe for those wanting to illegally manipulate the markets.'' [CNBC, 06/17/08]

Former Director of Commodity Futures Trading Commission's Trade Division Michael Greenberger Said Speculation Went Beyond Supply-and-Demand Problem in Oil Market. Michael Greenberger, a former top staffer at the Commodities Futures Trading Commission, said, ''There can be no doubt that there is a supply-and-demand problem at work here. But many believe, including me, that there's a speculative premium that goes beyond what supply-and-demand factors dictate. And that's what could be drained with aggressive United States regulation.'' [McClatchy, interview of Michael Greenberger, 6/17/08]

Greenberger Calculated 70 Percent of Oil Market is Driven by Speculators, Rather Than Those With Commercial Interests. ''My calculation is right now that about—at least 70 percent of the U.S. crude oil market is driven by speculators and not people with

commercial interests. Most of those speculators do not have spec limits. They can buy whatever they want.'' [Testimony of Michael Greenberger, Professor at University of Maryland Law School, before Senate Committee on Commerce, Science and Transportation, 6/3/08; McClatchy, 6/17/08]

Former Director of Commodity Futures Trading Commission's Trade Division Michael Greenberger Said Oil Speculation Adds 25–50 Percent to the Cost of Oil. When Michael Greenberger, a former top staffer at the Commodities Futures Trading Commission, was asked how much oil speculation increased costs per barrel of oil, he replied, ''Well, there have been various estimates—anywhere from 25 percent to 50 percent.'' [CBS News, 06/17/08]

Mrs. MURRAY. Mr. President, the Stop Excessive Energy Speculation Act of 2008 that the Senate is going to move to proceed to will shine a light on those trading markets. It will increase oversight and reporting on oil trading, and it will significantly improve the resources available to the Commodity Futures Trading Commission. While addressing speculation is not the silver bullet that will bring prices down at the pump, we do believe that by increasing our oversight and regulation, we will ensure that consumers are better protected in the months and years to come.

Unfortunately, as I mentioned earlier, our friends on the other side have their message down pretty pat now. They say no to any reasonable solutions we offer, and then they turn around and say we just need to drill more. We say fast-track our domestic production. They say no. We say increase the supply of oil now. They say no. We say accelerate investments in alternative energy to help break that addiction to oil. They say no. And now we say end excessive speculation. I hope they won't say no again.

Do they offer anything more than no? Well, yes. They say drill, drill, and drill—a plan that even their party's leaders said has mainly psychological benefits, a plan that even President Bush's own team says will not affect our oil prices, and a plan that will not produce a drop of oil for 7 to 10 years.

Unfortunately, their plan on that side is nothing more than a continuation of the Bush-Cheney big oil love affair that got us into this mess in the first place. Republicans seem committed to fattening big oil's bottom line. Well, Democrats are more worried about your bottom line.

The oil companies made $250 billion last year. It is time for us to deal with consumer prices. We have tried to do things the Republican way for 8 years now and unfortunately what we hear from them today is more gimmicks and tired old ideas, the same status quo.

With record gas prices and our economy spiraling deeper into recession, Democrats think it is long past time for a bold new direction. We hope our Republican counterparts will join us today and move this bill forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask unanimous consent to use leader time to complete my statement over and above the 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, the American people, I am sure, viewing our proceedings here in the Senate or from the visitors gallery or on C–SPAN must think they are watching an episode of the ''Twilight Zone.'' The reason I say that is yesterday morning, Senator MCCONNELL and I both opened with statements about our national energy crisis. We both talked about the plan we had and the pain that high gas prices are causing the American people.

Recently, I mentioned a public school teacher—he delivered the Saturday address for us—and his wife who live in upstate New York who are now spending all of the money they saved for their children's college education to pay for gasoline.

Senator MCCONNELL, for his part, talked about the frustration of truckers, stay-at-home parents, commuters, and vacationers. Anyone watching our two sides talk about the gas prices must have gotten a little confused. They must have been saying to themselves: If they both agree on the problem, why can't they work together to find a solution? The reason for that is very simple: Republicans and Senate Republicans refuse to join in negotiating in any way. They refuse to legislate. They, in fact, refused to take ''yes'' for an answer. We are shortly voting on cloture to proceed on legislation to stem the excessive speculation on Wall Street that is contributing to high gas prices.

Is this the only problem? Of course not. But it is a problem, absolutely. Democrats have said from the start that curbing speculation is not a panacea and will not solve all of our energy problems with the snap of our fingers.

But there was a Republican Senator on the floor today who asked a question: Who is saying this speculation accounts for 20 to 50 percent of the price of gasoline? We have laid those names in the RECORD. There is no doubt that it is a major part of the problem. The Republicans acknowledged that by putting that provision in their so-called energy bill.

But with experts saying that speculation accounts for 20, 30, even 50 percent of the price of gasoline, there is no doubt there is a major problem. How does excessive speculation drive up prices in the short term? Wall Street traders simply buy oil, sell it, and I repeat, as they do: They buy, they sell, they buy, bidding the price ever higher. They never intend to actually own or use the oil they buy, they only keep buying and selling and pocketing the profits. The problem is the American people are stuck paying the bill every time we fill our gas tanks.

This kind of unlimited energy speculation was not even legal 8 years ago for traders who never intended to buy or sell or use the commodity. Back then you would have to actually take delivery of the oil you bought or face position limits on your trading. Few Wall Street firms wanted tankers pulling up to their front doors with barrels of oil.

The market price of oil was decided by honest people in the marketplace, the so-called supply-and-demand factor. Then the Republican Congress stepped in and allowed oil to be traded back and forth without even delivery of the oil. That effort was led by former Senator Phil Gramm, chairman of the Banking Committee, a long-time member of the Finance Committee, the same Phil Gramm who served as Senator MCCAIN's economic adviser until yesterday, and recently called America a nation of whiners.

This is the same guy who has set forth his speculation aspect of what is hurting the market so badly. Senator Gramm's bill created a mouse click; that is, you touch your computer and you can buy lots of oil you will never use and never want to use.

The Bush administration has done nothing to oversee this. Now the American people are suffering the consequences. Nothing is ever certain in the energy market. But if our legislation to provide new consumer protections on speculation becomes law, it should immediately and sustainably lower prices.

Democrats are not the ones who think so. I do not know the party affiliation of the people whose names I am going to list, the experts: Former CFTC Trade Division Director and current economics professor at the University of Maryland, Michael Greenberger. He says the price is from 20 to 50 percent because of speculation.

Consumer advocate Mark Cooper says the same. And even the senior vice president of ExxonMobil, Stephen Simon, says speculation is part of the problem; even Exxon. We have a man who serves as the chief executive officer of United Airlines, Glenn Tilton. Here is a man who was president of Texaco, vice chairman of Chevron, and he says speculation is a big problem and we have to do something about it and do it right away.

So my Republican colleagues who say speculation is not an issue, here are a few of the people who agree with us. And obviously, the Republicans must have thought in the old days, a couple of weeks ago, that it was a problem because they stuck it in their legislation. Now they say it is not important.

But my friends on the other side of the aisle have said in speeches and press conferences that we should do something about speculation—that is what they used to say. It has been a component of their energy plan. In fact, Senator MCCONNELL said on the floor yesterday, ''strengthening regulation of the futures market is a worthwhile piece of the legislative effort.''

The American people must be thinking, Democrats and Republicans do not agree on much, but they seem to agree that curbing excessive energy speculation is part of the solution. If we did nothing else but pass the speculation bill, the American people would be very happy, and the markets would be struck quickly and the price of oil would go down.

Yet now that a reasonable and responsible speculation bill has reached the floor, Republicans seem to be scurrying into the corners and shadows of this Capitol complex. Now that we have an opportunity to actually do something to deliver some relief to the American people, all Republicans want to talk about now is drilling. They are so happy that the oil companies are running full-page ads about drilling.

Democrats have shown how serious we are about addressing this problem. We have said to the Republicans: Along with our speculation bill, let's vote on your offshore drilling. That is what you said is the problem. Let's drill some more. Let the Governors decide what should happen on the Outer Continental Shelf. They said that is what the problem is. Let's do something about it.

And we said: Okay, let's vote on that. Well, they say: No, that is not a good idea. Even though we believe in that and we have talked about for months how important drilling is, we want 27 other amendments. We do not want to do anything about speculation, and we do not even want to have a vote on drilling unless you give us 27 other amendments.

Let's assume that Republicans would allow a vote on their amendment, and we have a vote on a Democratic drilling amendment. You see, we are not opposed to drilling. Democrats are not opposed to drilling. We believe the future is ahead of us, and we believe the oil companies should use the 68 million acres they now have; the 8.3 million acres that we worked on less than 2 years ago to give them the ability to take a look in the Gulf of Mexico. They said it was so important to do that. They have not done anything about that. I do not think they have gone fishing out there, let alone doing any exploration out there. There are 8.3 million acres; they have not done a thing with it. We have 25 million acres in Alaska that are subject to being drilled right now. All the White House has to do is let some more of these leases.

So we are not opposed to drilling. But we are saying: Use the 68 million acres. Take a look at all the other land available. This drilling is a political thing for the Republicans. Simple math indicates we control, counting ANWR—which, by the way, MCCAIN is now against; he does not want to drill in ANWR. But let's assume you take ANWR and all the other offshore issues they are talking about. That is less than 3 percent of the oil in the world. We use more than 25 percent of the oil every day. We cannot drill our way out of the problems we have.

So we think it does not make sense to start giving up more acres of American coastline in addition to the 68 million, plus the 25 million acres in Alaska. We believe it makes sense to open more coastal areas for drilling. We say: Go ahead and do that. The President has the authority to do that.

Time Magazine this week, the one that is on the newsstands today—I tore a page out of it: The offshore waiting game. They have a little piece of literature here. They say it is going to take a long time. Here is why: It will take up to 2 years for oil companies to survey sites and bid on available leases. It will take up to 2 years for the highest bidders to do seismic tests and analyze the results. It will take up to 3 years for exploratory drilling. It will take up to 2 years if oil is discovered; plans for platforms and pipelines are submitted for Government review. It will take another year to review that. It will take up to 3 years for oil companies to build platforms and pipelines. And finally the oil is pumped out.

Add those numbers together and it is about 15 years. Well, what we say, we are not opposed to drilling, but there are lots of places we can be drilling right now. So the American people cannot wait all of these years. Increasing production is important, but even Republicans must admit it will do absolutely nothing to lower prices in the near term.

Nevertheless, Republicans have called for a vote on their offshore drilling plan. We are willing to give them what they want. They are not willing to take ''yes'' for an answer.

I hope all Senators, Democrats and Republicans, would vote to invoke cloture on the speculation bill, that we can go forward with that, have a vote on their drilling, and we have read all of the ads the oil companies have paid for, and the Republicans have followed step by step what the oil companies want. We are willing to give them a vote on that. I do not know how we can be more fair than that. All we want is the opportunity to vote on what we think is important too.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 882, S. 3268, the Stop Excessive Energy Speculation Act of 2008.

Harry Reid, Jeff Bingaman, Byron L. Dorgan, Christopher J. Dodd, Amy Klobuchar, John F. Kerry, Daniel K. Inouye, Patrick J. Leahy, Patty Murray, Bernard Sanders, Jack Reed, Sheldon Whitehouse, Bill Nelson, Richard Durbin, Frank R. Lautenberg, Tom Harkin, Maria Cantwell.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 0, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—94

Akaka	Dole	Menendez
Allard	Domenici	Mikulski
Barrasso	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Pryor
Bingaman	Feinstein	Reid
Bond	Graham	Roberts
Boxer	Grassley	Rockefeller
Brown	Gregg	Salazar
Brownback	Harkin	Sanders
Bunning	Hatch	Schumer
Burr	Hutchison	Sessions
Byrd	Inhofe	Shelby
Cantwell	Inouye	Smith
Cardin	Isakson	Snowe
Carper	Johnson	Specter
Casey	Kerry	Stabenow
Chambliss	Klobuchar	Stevens
Clinton	Kohl	Sununu
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Coleman	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lieberman	Webb
Cornyn	Lincoln	Whitehouse
Craig	Lugar	Wicker
Crapo	Martinez	Wyden
DeMint	McCaskill	
Dodd	McConnell	

NOT VOTING—6

Alexander	Kennedy	Obama
Hagel	McCain	Reed

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time until

12:30 be equally divided between the two leaders or their designees, and that the time during the caucus recess count postcloture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I now seek recognition in my own right.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, there is a buzz on the floor. I would like regular order.

The ACTING PRESIDENT pro tempore. Can I get the Chamber to come to order, please.

The Senator from Maryland.

Ms. MIKULSKI. I thank you, Mr. President.

The reason I have asked to be heard is because my constituents want to be heard. I am here today to speak on the Senate floor about the skyrocketing high prices at the pump, which are really hurting my constituents. They are hurting families, they are hurting small businesses, and they are hurting all of our volunteer efforts.

Gas prices in my State have dramatically increased. In March of last year, 2007, gas prices were at $2.50 a gallon. They have now skyrocketed to $4 a gallon. There has been a $1.50 increase in a little over a year. My Maryland families are now paying $5,000 per year on gas. That is up from $3,200 a year when George Bush took office.

In the Federal Government's budget, $2,000 might not be a lot, but in a family budget it is a budget buster. Look what you can do for $2,000. No. 1, if you are a senior, it pays for the doughnut hole so you can get your prescriptions filled. If you are a family, that is enough to send one of your children to a community college.

Yes, $2,000 makes a big difference. Maryland families are stretched and strained. Gas prices drive their lives, and they feel as though they are running on empty. Gas and groceries go together. When gas goes up, so do groceries because of just the added cost of delivering them.

When you talk to families, they are struck with incredible anxiety, wondering where is this going to end. The cost of commuting has more than doubled or is even close to tripling for many of our families.

Families are now asking how do they get their kids to school or to soccer practice or to other activities.

Seniors are wondering how do they cluster their medical appointments so if they live in the rural part of my State, they can drive to the doctor they need, while wondering about how they are going to fill up their gas tank.

The seniors I represent say: If I have to fill up my tank, I don't know if I can fill my prescription or even get to the doctor.

We have to do something.

As to the impact on business—from the taxicab driver, where the costs are going up, to the florist making deliveries, to the trucker delivering goods—what we see is they either have to pass the cost on to the consumer or go broke. We cannot let people go broke because of skyrocketing gasoline prices.

A sector that is very near and dear to me is the volunteer sector. Look at the impact of rising gas prices on Meals on Wheels. Nearly 60 percent of the Meals on Wheels programs have lost volunteers who cannot afford gas. Did you hear that? Sixty percent of the people who deliver Meals on Wheels have said they have to take a pass because they cannot afford gas. Most of the people who deliver Meals on Wheels are seniors themselves. Senator CARDIN has a bill to alleviate that.

So everything from Meals on Wheels to volunteer firefighters, who are trying to figure out how to pay for the gas for their firetrucks, we are in a serious crisis. So we have to act.

Now, there are those who say: Drill here and drill now. I will talk about drilling on another day because I support smart drilling that is environmentally safe, achieves productivity, and, if we drill, stays here. I believe we have 68 million acres already owned by the oil companies. So if they want to drill, drill where they have it.

But what I want to talk about today is what we know is driving up the cost per barrel by as much as $80. This bill is about speculation. This bill that is pending for discussion in the Senate is about casino economics, and that is what is going on now. We have people trading in the energy market not to be able to buy the futures in oil for their own use—whether you are a local government or whether you are a refinery. It is about trading in futures and building it up like a pyramid scheme. They do this casino economics by doing a lot of their trading through loopholes, one of which is called the London loophole.

The London loophole is about an exchange called the InterContinental Exchange. It is in London. It is owned by an Atlanta company to evade American laws and regs. Did you get that loophole, Mr. President? The London loophole is about an intercontinental exchange in which 30 percent of American energy futures are traded. It is owned by an Atlanta company.

Why do they do this through London? Because it evades American laws and regs against speculation.

Well, we can immediately deal with the gouging and the excessive speculation by closing that London loophole. That is part of the bill that, if we move past cloture, we can get. We need to close that London loophole so investors cannot exploit the market by avoiding U.S. law and avoiding U.S. regulation. If you are going to trade as an American company, go by American rules.

The legislation we propose makes sure the Commodity Futures Trading Commission sets tough limits on speculators. By the way, that group, the CFTC, is the regulator for commodities. It is called the Commodity Futures Trading Commission. We want them to be able to have the legal authority to set limits to deal with excessive speculation.

We also want to give them the resources they need. In 2003, the futures market was $13 billion. Today, it is $260 billion. That is ''b'' like in ''Barb,'' not ''million'' like in ''Mikulski.'' So we have seen this enormous increase, but we do not have the professional staff to be the cops on the beat to deal with speculation and illegal activity. So our legislative proposal calls for 100 more professionals. We want to detect excessive speculation and fraud. We want to prevent it, and we want to prosecute it.

Markets need to work for free enterprise, not for freewheeling exploitation. Closing the London loophole and putting caps on speculators to stop the casino economics is recommended, and it is predicted we could lower the cost per barrel by as much as $80. So if oil is trading at $130 or $140 a barrel, we could bring it down, generally, to a more reasonable market-based price of about $60 a barrel.

That would be stunning. That would be absolutely stunning. It would get us back to where we were last year. It would give us an important path forward to help our economy, which is in a deep recession. We know we have to do more. We Democrats believe in conservation. That is why we increased the CAFE standards, which go to greater full utilization in passenger vehicles and trucks and buses. We know we have to develop alternative fuels. We need to do research and pass tax incentives so we power our homes with wind and solar. We also know we need to stop price gouging.

We have to roll up our sleeves and get the job done. It is one thing to debate ideas, it is another thing to have a filibuster. I believe in debating ideas, taking a vote, and letting the majority win. I am ready to duke it out on the idea.

My constituents and I are pretty sick of the tyranny of 60. I thought in this country in a body of 100, 51 was a majority. We have these arcane rules that we can play games with to hide behind our true thinking. I call it the tyranny of the 60. It is slowing down what we need to face up to, which is real debate and real votes.

I believe energy will determine our destiny, our security, our economy, and our standing in the world. This is a serious matter. For the last 18 months, with the Republican obstructionism, what we have found is that when all is said and done, more gets said than done. Let's end the filibuster, let's end the parliamentary games, and let's get serious about what the American public wants us to do, which is roll up our sleeves and present the best idea for arriving at solutions. Let a real majority win and, most of all, let's start putting America first, putting America over political parties. I am a member of the Democratic Party, but a

larger party I belong to is the red, white, and blue party. I think we should have to start acting that way. Let's get the job done, bring this to a vote, and let's stop the speculation, stop the cronyism, and let's get real value for the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, when I am approached about the energy crisis we are facing—and I am approached frequently by constituents and even family and friends—you can tell that people are feeling at the least very uneasy about this situation. There is a weight that comes with soaring prices on fuel, food, and everything else that is part of our daily spending habits. Every time Americans fill up their tanks, check-out at the grocery store, or make a decision about where to cut spending, that weight gets heavier and heavier.

The American people are looking to us for solutions. We have a responsibility to make difficult decisions here in order to provide them much needed relief at home. For many months, Republicans have been working to provide that relief. We have been focused on a three-pronged approach: boosting renewable energy, encouraging energy efficiency, and growing our American supply of energy. This line of attack balances the need for us to be responsible stewards of our environment with the need for reliable, affordable energy to fuel our lives and our economy. We are not in a position to rely on any one solution to lift us out of this crisis.

However, the Democrats are focusing their efforts on a single idea to respond to the pleas of Americans. Rather than dedicate this body to building a comprehensive energy plan that provides real solutions for the future, Democrats have put forward a plan to curb speculation. This approach does little, if anything, about high gas prices. Instead, the Democrats' speculation bill could hurt our economy by eliminating investment options that our Nation's retirees depend on, make American businesses less competitive, and ultimately drive U.S. jobs overseas. The only way to significantly lower the price of gas is to increase supply.

Let me repeat that. The only way to significantly lower the price of gas is to increase supply. Let's harness the power of our commodities markets and take concrete steps to expand the future supply of American energy. The market will take this into account, and I am certain we will see prices at the pump fall.

This plan to blame all of our troubles on speculators does nothing to bring down prices at the pump, which means it does nothing to bring down the price of food, clothing, or any other consumer goods that are affected by the price of gasoline. It will not provide relief for struggling Americans, and it lacks the vision and the leadership our country needs on this issue. All it does is delay other efforts that would make a difference.

One thing the Democrats are doing successfully is blocking the efforts of Republicans to fully participate in shaping this legislation. The problem is bigger than speculation. Good ideas from all sides should be considered.

We are talking about one of the greatest challenges facing our Nation, and our constituents have no voice in this process. They need to have their voices heard. Countless constituents have taken time to share their personal stories with me, and there is a common thread in their messages. Fixed-income seniors worry about driving to the doctor, buying their medicine, and paying for food. They are asking for real solutions. Many Nevadans cannot afford to travel to visit ailing relatives, and our entire tourism industry in the United States is being hurt by the high cost of fuel. The airlines are in trouble and will be cutting jobs. Manufacturers are cutting jobs. Families have to cut spending a little deeper each week to balance their budgets. They are asking for real solutions, and they are asking for them now.

There is a real solution. It is a plan that reflects the innovative spirit of our country and the commitment we all have to preserving the environment. It involves going back to that balanced approach that boosts renewable energy, encourages energy efficiency, and grows our American energy supply.

With families tightening their budgets more and more, with seniors struggling month to month, Americans do not want to hear that there are trillions—literally trillions—of barrels of American oil off limits to meet their energy needs. Trillions of barrels—not in Saudi Arabia or Venezuela, or in some other country that hates us—but right here in the United States, under our control.

At least 10 billion barrels are up in ANWR; at least 8.5 billion barrels in deep sea exploration; by some estimates, 1.8 trillion barrels of oil from oil shale in Colorado, Wyoming, and Utah. We also have a 230-year supply of coal and great potential in nuclear energy. These American sources, combined with conservation and aggressive investment in renewable and green energy—solar, wind, geothermal, hydropower, fuel cells, and electric vehicles—are the key to setting us on a course to energy independence and security.

There are some who argue that increasing American energy supply will provide no immediate relief. They argue that ANWR, deep sea exploration, and oil shale are years away from producing sizable amounts of energy. The same could be said for renewable energy development. But these changes would lower prices and would do so quickly because the market will react to expected energy supply increases. The American people would react to the fact that we have shown vision and accomplished something for their good.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. There is 2½ minutes.

Mr. ENSIGN. Even so, when has instant gratification been the mantra of investing in American innovation? Highways and bridges aren't built in a day, but we know they are an investment in our infrastructure. Schools and libraries aren't built in a day, but we don't throw our hands in the air and say ''never mind.'' We plan for the future.

Standing around talking about how long it will take to get these projects on line doesn't help get the process started any faster. The time for talk passed as quickly as $3.50 a gallon came and went. Enough is enough. The American people are looking to us to provide much needed relief. We must rise to the occasion.

I ask my colleagues across the aisle, what is the magic number for gasoline per gallon before they are willing to act on a comprehensive energy strategy? The American people want to know how much longer they must suffer, while we stand here debating oil speculation.

Bill Clinton vetoed ANWR 10 years ago in a bill passed by a Republican Congress. If he had signed that bill into law, at least 1 million barrels of oil per day would be coming to the United States. Gas prices would be lower.

Let's not miss another opportunity for action, and let's not ignore the cries of frustration from our constituents. Let's show them we understand the difficult choices that they are making, and that there are solutions on the horizon. Let's act now.

We need to extend renewable energy tax incentives before they expire. If we fail to act, we will be responsible for the end of American renewable energy innovation.

We need to improve the barriers that stand in the way of our new American energy frontier. Let's send our enemies in the Middle East a pink slip that we won't be requiring their services any longer. Isn't it time to stop subsidizing their economies? We send them $700 billion a year and, at the very least, they are teaching a new generation to hate America. At the worst, they are funding the weapons used against Americans. A comprehensive energy plan means that our economy and livelihoods won't be held hostage any longer.

That is the day I look forward to and that all Americans look forward to. But to get to that day, we have to act. On behalf of the more than 2.7 million Nevadans, who need us to do something, I ask you to make comprehensive energy legislation something we can all be proud of.

I yield the floor.

Mr. SCHUMER. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. SCHUMER. Mr. President, we are at a seminal moment in America. American consumers are being battered by high oil prices, high home heating oil prices, all high energy prices. The average middle-class person is squeezed more than ever before. People are not going to college, people are not taking jobs, people are not visiting grandkids, and it is all because of high oil prices. It is changing the way we live—and not for the better. Americans are crying out.

What is the answer? My colleagues on the other side of the aisle are stuck in the past. They talk about drilling more. Of course they do; they always do what big oil wants. Big oil now, big oil forever. That is the Republican motto. Do what they want and nothing else, while consumers foot the energy bill.

We cannot drill our way out of this problem, we know that. We have 3 percent of the oil and 25 percent of the consumption. We cannot drill our way out of the problem. Are there good, constructive ways we can, in the short term, increase domestic production? Absolutely.

I was one of the Democrats who rallied us to drill in the gulf on a large tract of oil. There are plenty of places, as my colleague from North Dakota talked about, in Alaska, but make no mistake about it, the price of oil will not come down until we reduce our dependence on it.

Democrats are fighting for a new future, not looking at the past, finding one little bit of oil here, one little bit of oil there, and praying it will solve our problems. We are looking for alternative and renewable sources of energy to play a major role in our energy supply, freeing us from oil: No more OPEC. The Republican plan would reduce dependence on OPEC from 50 percent to 45 or from 60 percent to 55. It is not going to do a darn thing. Particularly, every bit of new oil we find here—and I hope my colleagues will say all the new oil we find here should be used only in the United States. But China and India will consume far more than we find in the next 10 or 15 years.

Let me say this: There will be more new cars in China and India in the next decade or so than we have cars in America. We cannot drill our way out of the problem.

I understand my colleagues' desire for their program. It helps big oil. That is what we have done all along when the Republicans have been in charge. Big oil now, big oil forever. America knows that is not going to work. We are in a new world where there is not enough oil to meet our needs.

What are we doing on our side? We are for increasing domestic production in the short term in a rational way, but we are not depending on it. It is not the main part of what we are talking about because we know that will simply lead to higher oil prices. It will never reduce the cost of oil enough to bring relief to the American family.

What should we be doing? What are Democrats proposing? We are proposing reducing our dependence on oil and foreign oil in particular. We are proposing incentives for alternative energy—wind and solar. T. Boone Pickens, a big oilman, says we cannot drill our way out of the problem.

We are proposing dramatic changes in our automobiles. You can have an electric car that drives just as far and long as a gasoline-driven car and rides more smoothly with the same power and the same torque. Why aren't we pushing that? Big oil companies don't want it. They won't be selling those batteries. The big oil companies don't want wind power or solar power. They are not involved in those issues.

The head of ExxonMobil told our Judiciary Committee a year and a half ago that they do not believe in alternative energy. Of course they don't. They are making record profits, and the greater demand and the less supply, the higher their profitability.

We have tried in the past to reduce dependence on oil. We have a renewable portfolio standard so our utilities will not just depend on oil and fossil fuels. We have tried to push tax changes, take the tax breaks away from big oil and give them to wind, solar, bio, thermal, and cellulosic ethanol. Again, we are blocked by the other side of the aisle. In other words, if big oil wants it, that is good, says our colleagues. If big oil is against it, we are against it. We will come up with some reason.

But what we will be doing on this Energy bill is looking at the future, not at the past. What we will be doing on this Energy bill is recognizing that 10 years from now, demand in America should go up for energy because we have to grow, but it cannot come from oil. What we are looking at is a future where our cars do not need gasoline. We are looking at a future where our homes are powered by the Sun and the wind and other more natural forces. We are looking at a future where we conserve, an issue of passion to me.

In 1978, California passed building standards to increase energy efficiency in homes and buildings. Do you know California has the lowest per capita consumption of energy—even with all their car use—in these United States? It is not New York with our mass transit; it is California because so many of their buildings are now efficient. Forty percent of the energy we consume goes into heating and cooling buildings, 35 percent into gasoline, of total energy consumption.

I have been advocating that we adopt California standards nationwide. It is a rather painless way to go. Where are we? It is not going to produce results in 6 months, but it sure will in the next several years. California has led the way.

Why don't we do the same for appliances? Why don't we do the same for utilities and require them to be more efficient? We cannot be profligate. We can grow and live better and consume less energy at the same time.

There are so many breakthroughs about to occur, and we should be encouraging them with Government policies and tax breaks, and instead we hear from the other side: Do what big oil wants; just drill.

The bottom line is we cannot drill our way out of the problem, I say to my colleagues, we cannot, and we must have an energy policy that looks at the future.

In conclusion, I say this: Republicans equal big oil equals the past. Democrats equal alternative energy. We are the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to speak about the price of gasoline and diesel fuel, a price that is affecting all Americans. High prices at the pump challenge many Americans who travel great distances for work, for school, or to shop for groceries. This is especially acute in sparsely populated States such as Wyoming.

These prices are resulting in dramatic impacts to our economy. America is now importing more than 65 percent of the oil we consume. We are sending hundreds of billions of dollars overseas to foreign nations that are not necessarily our friends.

It is well beyond time for Congress to act and to adopt meaningful short-term, medium-term, and long-term solutions. As a matter of principle, I believe the Senate must act on a set of solutions rather than pursue a piecemeal approach.

I am an original cosponsor of two pieces of legislation that include a range of solutions—S. 2958, the American Energy Production Act, and S. 3202, the Gas Price Reduction Act. Combined, these bills include provisions on advanced technology, on speculation, and on added supply. The bottom line is, we need to find more and use less.

Today, I wish to speak on two points. One is limiting market speculation, and the other is increasing domestic production.

Based on a range of testimony, it is clear to me that there is dramatic disagreement on the extent to which excessive speculation contributes to the runup in oil prices. As a physician, I am quite concerned that some may have misdiagnosed the energy crisis. In my view, it is a classic misdiagnosis where policymakers focus too much attention on the symptoms of the predicament rather than the underlying causes of the problem.

I am absolutely convinced that the fundamental issue here is one of supply and demand. Simply because market speculation is a symptom of that larger problem does not mean we should shy away from addressing it head-on. Dealing with speculation, however, is not the full answer. We must combine these efforts with meaningful action to expand domestic supplies and to encourage conservation and energy efficiencies.

On the issue of market speculation, I have concluded three fundamental points: One, American consumers should not bear the burden of those who seek to manipulate markets. Two, the United States should not push our financial services trading to foreign countries. We should not replace excessive speculation with excessive regulation. And three, we should strengthen the futures trading markets. This can be done through investing in additional research, requiring transparency, putting more cops on the beat, and strengthening requirements on foreign boards of trade.

Efforts to address market manipulation require a careful balance. Increased visibility into transactions must not turn into onerous regulations.

More importantly, steps to curtail speculation must be combined with real solutions to address the underlying fundamental of domestic supply and demand. We must insist on efforts to increase our energy supplies, promote conservation, and encourage energy efficiencies. We would be failing the American people if we did not talk about increasing the domestic supply of energy.

I must comment on proposals to punish companies that some believe are not developing leases as quickly as they should. This is a ludicrous argument. Frivolous lawsuits and substantial administrative hoops dramatically delay oil and gas exploration and production even on valid existing leases. These punishing tactics being proposed are akin to leasing an apartment, only to have your landlord withhold the keys and complain about why you haven't moved in yet. Rather than punishing existing operators, we can and should streamline the permitting process.

Recently, I was in the part of Wyoming known as the Powder River Basin. It is in the northeastern part of the State. I heard firsthand about the obstacles people are facing when they try to find more oil and gas. American producers are routinely faced with rules and regulations that limit drilling for one reason or the other.

Typical restrictions are related to both occupancy of the land and the time during the year American producers can operate. Examples of prohibitions include extensive restrictions for bird roosting, for bird nesting, for migration, and for wildlife feeding.

The seasonal prohibitions currently limit exploration to a small fraction of the year in many areas. As we can see from this chart, some areas are off limits to produce for all but 10 weeks of the year, from August 16 through October. This is the only time of the year they can produce. If this calendar represented the blackout dates for using our frequent flier miles rather than the dates blacked out for finding the energy that powers our airlines, I guarantee you that outraged citizens all across this country would be pounding down the doors. Let's take a look. January blacked out. February blacked out. March blacked out, April—go through the calendar—May blacked out, June, July. And the charge from the other side of the aisle is that companies are not producing on their leases fast enough.

The bottom line is, there are many reasons why there may not be active exploration and production on lands already under lease. If Congress is serious about producing oil on existing leases, then Congress needs to critically review the process needed to develop oil and gas wells.

As of late June in Wyoming's Powder River Basin, there were 2,589 applications to drill that were awaiting approval by Federal bureaucrats. These are on land where the company has already paid for the lease but is not yet permitted to drill. They have paid the rent, but they have not yet been given the keys to move in.

The vast majority of the applications face extensive administrative delays. What is the current law? The current Federal law requires that permits be either issued or deferred within 30 days of the day the Government receives the completed application. That is right, the law says Federal bureaucrats must give an answer in 30 days. Well, there are many instances where there is not even the acknowledgment that the submitted application was received. Moreover, the applications sit for months and months, in some cases even over a year, and still Federal bureaucrats have not processed the application to drill.

In a small provision that was slipped into this year's consolidated appropriations act, these production companies now have to, in addition to all the paperwork, pay $4,000 every time they request a permit to drill—a permit that is on land that they have already leased and paid for, a permit that is not being processed in a reasonable, timely manner, and a permit that may not be processed for months or even years.

There are over 850 drilling permits, just in Wyoming, that have been specifically delayed due to policy development, environmental delays, and even litigation. For people to say that oil and gas operators are sitting on leases without any intent to drill is intentionally misleading. In my State, the producers want to drill and they are waiting to drill. They are simply waiting for the Government traffic cops to give them the green light.

For people who claim they want to increase domestic supply of energy on leases that have already been paid for, there is a place you can focus your effort. Focus on the thousands of permits nationwide, and especially in my home State—permits that have not yet been granted, permits that are being held up while waiting for the Government bureaucrats to act. The leases have been paid for, the workers are ready, and literally, today, standing by ready to work. All we are waiting for now is for the Government paperwork.

This is no way to run a country.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request for a quorum?

Mr. BARRASSO. I will withhold the request.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

STOP EXCESSIVE ENERGY SPECULATION ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I wish to speak on the legislation that is before us, on the question of dealing with energy and in particular the price of gasoline. We have had months now of nonstop talk in Washington about gas prices.

Across the country, in my home State of Pennsylvania and in the Presiding Officer's home State of Delaware and in so many other places around the country, people are frustrated. They do not feel Washington has been responsive to the concerns they have, and it is about time we did a lot less talking and do some acting and some legislating. It is for that reason I stand before you to talk about this issue in a broad sense, but in a particular sense, in terms of the legislation we have a chance to vote on this week or next week and certainly no longer than that.

I wish to commend Senator REID, the majority leader, and Senator DURBIN, the assistant majority leader, and others for bringing a number of measures to the floor aimed at addressing the high prices of gasoline. Since we started working on gas price legislation 2 months ago, prices in Pennsylvania have risen 40 cents, from $3.60 to $4.00. The average Pennsylvania family now is spending $2,792, almost $2,800 more on gasoline than they were just 7 years ago, at the beginning of the current administration.

On top of that, people in Pennsylvania, who are the second largest users of home heating oil in the whole country, are eyeing the approaching cold-weather months and wondering how they will be able to afford to heat their homes, especially older citizens and low-income people living in rural areas, where they have to travel far distances to go to the grocery store or to go to work or to live their lives. A few weeks ago, I met with some home heating oil retailers from northeastern Pennsylvania, in my home area. That

is where I live and that is where they live. Now, these are retailers, not some people in Washington but retailers in northeastern Pennsylvania, and their No. 1 request was to end excessive oil speculation.

These retailers are on the frontlines of this oil crisis, and they see families struggling to pay all their bills. One of the people I met with was Ron Kukuchka, and he told me the story of a customer last winter who stood in his store and literally counted out three piles of cash: The first one was for this woman's home heating oil, the second was for her prescription medication, and the third pile of cash she had to put on the table, literally, was for food. At the end of her counting, she had $30 to pay for the next month's rent.

Tammy May, a woman from Pleasant Gap, PA, was quoted in the paper last week—and I read her brief statement to Chairman Bernanke in talking about the issue of recession and the economy—and this is what Tammy May said. And keep in mind this isn't some Washington analyst, some politician or someone here debating this issue. This is the reality Pennsylvania families are facing. Tammy May said:

The house payment is first, then day care, then we worry about gas, then food.

That is the life of Tammy May, and that is the life of too many American families. It is unconscionable—it defies description to even say it—it is unconscionable to allow this to happen to families living in the richest country in the world. Is it any wonder people across this country are fed up, and in some cases angry, about no action in Congress?

So once again, a lot of people in this Chamber, but especially I think on this side of the aisle, are trying to pass a bill to deal with the high price American families are paying at the pump while we continue to work as a nation to implement long-term energy solutions. That is why I am proud to cosponsor the Stop Excessive Energy Speculation Act of 2008, because I think it is a proposal with the potential to impact gas prices. It is not a magic wand, it is not some quick fix for gas prices, but it has the potential to have a positive impact on this issue.

Here is some testimony to that effect. Last month, the managing director and senior oil analyst of Oppenheimer & Company said:

The surge in crude oil price, which more than doubled in the last 12 months, was mainly due to excessive speculation and not due to an unexpected shift in market fundamentals.

So says an analyst at Oppenheimer & Company. And the CEO of Marathon Oil, not some Democrat who is trying to make a point or some Washington political scientist, the CEO of Marathon Oil said:

$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.

So for those who want to make the case that speculation is irrelevant to this debate, I think there is more than ample evidence to suggest they are wrong, and there is other evidence to suggest they are deliberately misleading people. Let's be honest about it. Unfortunately, the counterproposal in this Chamber and down the street in the House is to simply drill our way to energy independence. We know that will do nothing to lower gas prices.

The Bush administration's own Energy Information Association has clearly stated that if we opened the entire Outer Continental Shelf ''any impact on average wellhead prices is expected to be insignificant.'' Insignificant. Again, that is the Bush administration's energy information office.

Aside from the larger issue of world oil prices and limited American oil reserves, there are practical reasons that drilling would not work. The world's fleet of drill ships, which are used for exploratory drilling of new oil and gas wells, are booked solid for the next 5 years—5 years. Even if we waived every environmental law, oil companies would be unable to start pumping oil for years.

President Bush has acknowledged that increased domestic drilling would not lower gas prices at the pump. It is merely, in his words, ''psychological.'' Psychological. Well, psychology is not going to solve our energy problem, and neither will gimmicks and some of the things that have been pushed in this Chamber recently.

A series of goals to reduce gasoline consumption through efficiency and alternative fuels is our only hope, and the only way to achieve those goals is to map out a strategy, and then, as the advertising tells us, do it. Do it and pass legislation. That is what the people in Pennsylvania and all of America are expecting and demanding of Congress—leadership to chart a course that gives us real solutions, along with some immediate relief.

The bill we are debating will bring some sunlight—it is not a magic wand—to the futures market so regulators will have the information they need to rein in excessive speculation and detect price manipulation.

Will this bill solve all our energy problems? No, it will not. But it has the potential to provide relief to families who are paying to line the purses of the futures market middlemen while we implement a long-term solution to end our reliance on oil, and in particular to end our reliance on foreign oil.

So I hope my colleagues will support the bill, and I hope we can work in a collaborative way across the aisle and across the Capitol, in the House of Representatives, to lay out real solutions for the problem that is facing American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining in this segment?

The PRESIDING OFFICER. The time is unlimited.

Mr. DURBIN. Mr. President, pending before the Senate is the energy issue, and, of course, America would expect that. If I went back to my home State of Illinois—if I went to any State—and stopped the average person on the street and said: Got any problems? They would say: How about gas prices, Senator? Are you paying attention? Because if you are paying attention, you will notice that as we drive down the street in the morning on the way to work or back home from getting the kids from school, you take a look at the signs at gas stations and they are startling. They are going up all the time. When you pull in to fill up, if you can afford it, you are putting more money on the counter than you have ever done in your life. People are saying: What is going on here in America? We can't afford this anymore.

I took my little Ford pickup truck to a Shell station in Springfield, IL, a couple of weeks ago, and at the end of the day, it cost $61 to fill up that little pickup truck. I thought to myself: Glad I don't have to do this very often. But some people have to do it once a week—and sometimes more often—and it is a serious problem. It is real cash money coming out of their pockets as they are struggling to keep up with the cost of living.

What is going on here? Well, over the last several years, several things have happened. One of the things that has happened, we know for sure, and there is no question about this, the big oil companies have steadily increased their profits since President Bush and Vice President CHENEY came to office, dramatically increasing them to the point where these businesses—the oil companies—are making more money than any business in the history of the United States—not just in the oil business but any business. They have broken the records in reporting these profits.

Of course, they want to explain it to us, and so they buy full-page ads, if you take the time to read them in the newspaper, explaining we are not making that much money. They compare themselves to other industries and companies, and yet the bottom line is there is pretty dramatic increases in their profit-taking. In fact, they are breaking all records. This ad, of course, was paid for by, as they say, the people of America's oil and natural gas industry—something called energytomorrow .org.

Most of these ads are being sponsored and paid for by the people who are making the money. The American Petroleum Institute is one of the major sponsors of this advertising, saying: We are not making that much money. But Americans think differently, because in addition to this chart showing the oil company profits, this one tells us what has happened to the price of gasoline since President Bush took office. It is not current because it still shows

the price of gasoline below $4 a gallon. I know in my hometown of Springfield and in Chicago, the price is way over $4. It may be closer to $4.50. I wish it were not going up, but I am afraid it might.

So we have seen oil company profits rise and the price of gasoline go up as well. There are various ways to look at this. You can say to yourself: Something is wrong and I need a solution and—most people say—I need it right away because I have to fill up again next week. So what are you going to do right now to deal with it? Well, honest people, in responding to that, will tell you there is little we can do today to change the price of gasoline tomorrow. But there are things we can do in the short-term that will have an impact.

The Republican side of the aisle has one approach, the Democratic side of the aisle a slightly different approach. The Republican side of the aisle is arguing we should drill now—we need to drill for more oil, right now. The obvious argument being that if the supply should increase, prices should go down. That, of course, is their argument. They overlook what the Senator from Pennsylvania mentioned a few minutes earlier—if we decided today, if we picked out one piece of territory in the United States or off our shore and said: We think there is oil here, and so we are going to drill for it, we are going to bring it up out of the ground, take it to the refinery and turn it into gasoline and we will feel the impact on price, it would take us, the estimates are, anywhere from 8 to 14 years for that to happen.

It is a pretty massive investment to go into drilling, with all the sorts of seismological and geological testing that has to be done, and they have to secure the equipment in a market that is now kind of pushed to the limit.

It takes a long time. So to argue ''drill now'' is to say ''drill in 8 to 10 to 12 years and then hope that it makes a difference in the marketplace.''

Many people are arguing that point of view. They are arguing that we should be drilling for more oil. In fact, the same ''people of America's oil and natural gas industry'' are buying full-page ads in many newspapers around the country saying: Smart energy policies and good energy politics involve drilling more now.

So the industry that wants to benefit from the drilling, the industry that is to profit at a record level from the drilling is buying the advertising, and our Senators on the other side of the aisle have accepted this battle slogan. This is what they tell us we need to do is to drill now. But, of course, there are some realities they often overlook in making this drilling now argument. Here is one that you cannot ignore.

It is the reality that we have to be very sensitive to—it is this. This is the percentage of world oil reserves. And if you look, the country with the largest percentage is Saudi Arabia, 20 percent of known oil reserves. Then you look at the United States, 2 percent; some say 3 percent. That is an estimate of all of the possible oil we could drill, if we could drill everywhere, all the time, and do it as quickly as possible—2 to 3 percent.

Now, that is an eye opener to think that so little of the world's oil reserves are actually within the control of the United States of America. So to say drill now is to give access to 2 percent of the oil. Well, is it enough? Take a look at the oil consumption. The U.S. consumes about 24 percent, almost one-fourth of all of the oil that is produced and refined, and the rest of the world: 76 percent; 2 percent of the supply, 24 percent of the consumption. To argue that we cannot drill our way out of it is fairly clear. We do not have enough oil in the command and reach of the United States to solve our economy's needs. We are going to have to look beyond drilling for oil into other options as well.

I think that is one of the realities the other side of the aisle has not acknowledged. But there is oil available and land available to be drilled. There are 68 million acres of Federal land, controlled by our Government, by us as taxpayers, that has been leased to the oil and gas companies.

We have said to them: Would you be interested in drilling on this land for oil and gas? They have put money on the table, signed leases to have that right to 68 million acres of land. We believe that acreage could produce 4.8 billion barrels of oil. That would nearly double the total U.S. oil production. That 4.8 billion barrels of oil equals more than six times the estimated peak production of the Arctic National Wildlife Refuge, which is another thing that is brought up often.

So, currently, of the 68 million acres under lease from the Federal Government for oil and gas, the obvious question is, why are not the oil and gas companies drilling there? They believe there is oil and gas, they paid the lease to do it, but they are not using it. They have set this aside and they are not using it. They are not drilling on this land. And we have not stopped offering land to the oil and gas companies.

Just recently, since January of 2007, we made 115 million acres of Federal land available for the oil companies to bid on oil and gas companies, to drill for more oil and gas, 115 million acres offered. What is that the equivalent of?

Well, this little line represents the line of I–80 across the continental United States from New Jersey to California. And the 115 million acres is the equivalent of taking a 62-mile-wide swath along I–80 from coast to coast 62 miles wide. That is how much land we have made available to the oil and gas companies to bid on for exploration.

How much have they actually bid on? Only 12 million acres—12 million acres. When the other side argues there is not an opportunity for more oil and gas, to say, well, why did they not bid on the acres that were offered? Why are they not drilling on the acreage they currently lease, something this next map will kind of show you from a viewpoint of the Western United States what I am talking about.

All of the colored portions of this map of the Western United States represent Federal lands that are being leased for oil and gas exploration. If you will look carefully, the black sections are those that have been leased and are in production. The red, which dominates and overwhelms this map, is federally leased lands that oil and gas companies are not actively using. They have set the lands aside. So to argue that they do not have opportunity for oil and gas drilling ignores the obvious; they do.

Then they say: Well, what about the Outer Continental Shelf? This gets sensitive because there are communities along the Gulf of Mexico and the Western United States that have environmental concerns about offshore drilling.

The fact is, a lot of offshore land under the control of the Federal Government has been available for oil and gas exploration for a long time. There are 68 million acres leased to oil companies. Of that, 33.5 million are offshore. Again, the red sections are leased lands, Federal lands, leased to oil and gas companies that they are not touching, that they are leaving to sit idle as they come to Congress and argue: We need more millions of acres to explore.

These are lands they are paying to lease, and they are not exploring. This is the situation where we have a real challenge, a challenge that reflects the reality of what we are up against.

The reality is this. There are opportunities to responsibly drill for oil and gas. We think those opportunities are there now, and we can add to them in a sensible way. So exploration and production is part of the answer to the gasoline and oil prices that we face today. But it is not enough. It is not enough.

We know in this long time lag between deciding to drill and actually bringing up oil, we have to think about what we can do now to make a difference. Well, here is one idea: We have what we call the Strategic Petroleum Reserve. It is 700 million barrels of oil that we have set aside for the safety and security of the United States. We have said, if the time ever comes when something awful occurs, we cannot bring the oil from overseas that we currently need, we have this little stockpile—not so little stockpile—of strategic petroleum that is available.

We are making the suggestion that we take 10 percent of it, some 70 million barrels of sweet crude oil, and release it over a period of months on the market. The belief is, if the Federal Government sells that, first it will bring in money. That is oil that we paid less for. Now it is commanding higher prices. And, secondly, more supply on the market in the short term

should bring down the price of a barrel of crude oil and the price of the products made with that crude oil, whether it is gasoline or jet fuel.

So immediately it will start bringing down prices. The Democratic side is calling for continued exploration in the millions of acres that are already available to oil and gas companies; and, secondly, selling out of the Strategic Petroleum Reserve 70 million barrels or so of oil to bring down the market price and to make gasoline and other products more affordable.

That could have an immediate impact. Is it the answer to our concerns? No. It is a temporary move, but we need it. At a time when airlines are cutting back 20 percent of their schedule and laying off 20 percent of their employees and more to follow, at a time when businesses are struggling against the possible recession, and the turnaround in our economy, we need to provide that help.

But we need to do more. We have to look beyond exploration and even the Strategic Petroleum Reserve to the real honest challenge we face; that is, coming up with an energy policy so we do not find ourselves in the predicament we are in today with the Republicans arguing, keep on drilling and do not worry about tomorrow, and others coming up with solutions that might have a temporary benefit but not a long-term benefit.

What is the long-term answer? Well, the long-term answer can be found from a number of people, one of whom is a fellow whose name you can hardly ever forget: T. Boone Pickens. Mr. T. Boone Pickens, who has made several billion dollars in the oil industry, is now spending some of his money on television advertising. You can hardly miss him if you are in Washington and other parts of the country.

Here is what Mr. Pickens recently said: I have been an oilman all of my life, but this is one emergency we cannot drill our way out of. But if we create a new renewable energy network, we can break our addiction to foreign oil.

What he is saying is what we all instinctively know: there are ways for us to reduce our consumption of energy and still have a strong economy and a good life in America. The changes are not going to be dramatic; they have to be thoughtful.

First, we need cars and trucks that are more fuel efficient. My wife and I bought a Ford Escape hybrid a few years ago. It is no Prius. It gets about 27 miles a gallon. That is pretty good by most standards. If you drive a Prius, you might get 45 miles a gallon, to give you a comparison. So we can do better when it comes to cars and trucks that we build, make them more fuel efficient.

I read in this morning's New York Times that Ford Motor Company has decided to get away from the SUVs and heavy trucks and start building more fuel-efficient cars and trucks. That is long overdue. If they had been moving on this before, they would not be in the situation they are in today. So making more of those vehicles available is a smart move.

Mr. Pickens believes we should have more of these vehicles fueled by natural gas. It would have less of a negative impact on the environment, it is more plentiful in the United States, and it could, in fact, fuel our economy.

There are those who argue we should move to another technology, plug-in hybrids. You come home at night, you plug in your car, your truck, it is good for 40 miles in the morning, which is all we need each day, before the gas engine kicks in, and it does not pollute. In the process, you get electricity from sources that are also clean.

Yesterday in my office was a man who is involved in wind energy. My State, which I never dreamed would be a major player when it comes to wind energy, has wind farms popping up all over, literally hundreds of those wind turbines generating electricity without polluting.

The opportunity across America is almost limitless to replicate that technology once we have made an investment in the infrastructure of transmission and distribution lines. But that is part of the overall picture.

America's energy policy involves renewable and sustainable sources of energy. We cannot talk about the energy issue without raising two other important issues. One is our Nation's security. As long as we are dependent on Saudi Arabia and the Middle East for our oil, we are going to be drawn into foreign policy choices that we do not want to face. We will be drawn into wars and challenges domestically and diplomatically that we never would have faced if we were not so dependent.

So reducing our dependence on foreign oil is a small thing from our country from a security point of view and also from the environmental side. I am one who believes in global warming. I believe it is a serious problem that is getting worse. If we do not do something about it, we are going to leave a much different world to our children and grandchildren. So as we think about our energy challenge, we need to put together with that challenge an answer which meets the environmental challenges to reduce our pollution. I think we can do that. I think we can put these things together. And in combining them into an integrated energy policy, we can find ways to reduce our energy consumption without compromising our quality of life or the growth of our country.

I have listened carefully to the other side as the Republicans have come to the floor. And there are two things which you will never hear as they get up and speak: First, they are not critical of speculators. They are not critical of those who are speculating in the energy futures market.

Many people believe, and I am one of them, that there is excessive speculation, perhaps even manipulation, in some of these markets. Our bill says, and I think we should, put more regulators in charge of the energy futures industry to make sure everyone is playing by the rules, to make sure some of the major traders are not pushing up the prices strictly for profit taking.

I cannot see what the problem is with that kind of regulation. We support that. We want more and more markets to be disclosing. I want to know who is trading in these massive amounts on energy futures and driving up the price of a barrel of oil.

Regulating that is a sensible thing to do. I want to make sure the markets are available for commercial applications so that if an airline such as Southwest, which has received quite a bit of attention—if Southwest does try to protect its future cost of jet fuel by hedging or buying futures in the oil market, that is a good thing. And the markets should be there for them. But if some wealthy investment bank decides they want to move around a couple of billion dollars and play the market on oil prices, and people across America are paying higher gasoline prices as a result, I am not sure I am going to stand by and applaud that.

I want to make sure there is a sensible market, well regulated, with reasonable limits in trading. So we believe speculation is an important part of this issue. Time and again, Republicans have come to the floor over the last several days saying: Oil speculation is not the problem. I disagree.

The second thing is, we have to address the oil companies. The profit taking that is going on there is hardly ever criticized on the other side of the aisle. It should be. The oil companies are doing quite well, at the expense of average families, businesses, and farms. So putting together a comprehensive energy package involves responsible exploration and production. It involves releasing oil from the Strategic Petroleum Reserve to bring prices down on a temporary basis.

Also, we need investments in technology and research so the cars and trucks we drive are more fuel efficient. We need ways to make sure buildings and others things we invest in are greener and more energy efficient. We need to be thinking about new technology and research that moves the Nation forward so the economy grows but not at the expense of the average person trying to pay gasoline bills and not at the expense of an environment children will need to live in to have the good life we have had in this world.

I hope we can have a comprehensive approach. We have offered Republicans one basic procedural opportunity, but I think it couldn't be fairer. We have a speculation bill. We have offered them: Bring a speculation bill before us. You can have your debate. We will face the same vote. Let's see who wins. We have an energy bill. Bring your energy bill before us. Let's have a debate. Let's

have the same vote one way or the other. Let's see who wins. How much fairer could it be? They get to devise their own amendments, put what they want in, and bring it for a vote. That is fair. I hope they will accept it, and I hope this important debate will start soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate many of Senator DURBIN's remarks. I don't see why in the world we can't reach some sort of bipartisan consensus on how to go forward with the national crisis that is hitting us today.

He and others have hinted that they are willing to produce more energy in America rather than spend $700 billion a year of our wealth exporting it to countries such as Venezuela or Saudi Arabia to purchase the 60 percent of oil we use. But they don't propose that. The only legislation they have proposed is the speculation bill. I suspect there are a lot of things we can do to deal with speculators who are acting improperly. I support that and don't have any problem with them, although I think we want to be careful and not only repeal the futures market, apparently, as some would suggest we should do. I think we should move on it, and we have a lot to do in that area.

But I have been asking myself, why is it that we are not seeing any substantive effort on the majority side to deal with the clear crisis we have? And the crisis is that the entire world is using more oil and gas; Saudi Arabia, Venezuela, and other countries are reducing their production, even Russia, I understand, and Mexico. As a result, we have shortages. That is how speculators manipulate. They are able to manipulate when there is a shortage. We need to fundamentally—do something about the shortage. When we have a choice—and we clearly do—we should produce our energy from America, keeping all that wealth here and not sending it abroad to countries, many of which are not our friends. That is so basic, it goes beyond logic.

I had a little idea, maybe, as to what is going on here. It came to me when former Vice President, former Democratic President Al Gore, in his speech this week, renounced all fossil fuels and declared that this Nation ought to have as its policy to eliminate fossil fuels totally from making electricity in 10 years. That is one of the most breathtaking statements I have ever heard. Fifty percent of our electricity today is coal; 20 percent is natural gas. What he is saying is, we don't produce any more, and we are going to make all of our electricity in 10 years from renewables—wind, solar, and biofuels. We have already hit 5 percent of our fuel for gasoline from corn ethanol. Most people—I think everybody agrees—agree we are at about the max we can possibly get from corn. So I think there is some real potential with cellulose wood products. Senator ISAKSON and I have talked about that. Our States have a good bit of waste wood in the forest that could be a nice improvement, and perhaps produce a good bit more, even than corn ethanol.

But I want to go back to the situation. Are our colleagues on the other side who claim to be interested in helping America get through this terrible economic time not going to discuss with us how to produce more energy at home? I can't believe that. The only thing that is consistent with that policy, which we have seen for some time now, is the consistency of former Vice President Gore's statement this week that he wants to take all of our electricity and produce it from nonfossil fuel sources, which is unthinkable. Unless there is some monumental breakthrough, it is not possible. It is not going to happen. It cannot be the basis of a sound energy policy by any responsible official in America, it seems to me. Maybe I am wrong, but I don't think so.

After the price of gasoline spiked, we ended up with our majority colleagues offering a cap-and-trade bill that they wanted to pass that, in effect, would be a major tax on energy, which the EPA said would raise the price of gasoline by $1.50 a gallon and could double the price of electricity. This is what we are seeing here. I don't think that is reasonable.

Our goal should be to change the extent to which we have to use fossil fuels. I am for limiting them. I am for better efficiency. I am for geothermal. I am for solar, if we can make it work. I am for wind, if we can make it work. The whole Southeast is generally recognized as not a place where any wind energy can be efficiently produced.

What we have to do is be realistic about the multiplicity of steps it takes to be independent and to reduce our CO_2 emissions, our global warming gases, and to make our environment cleaner.

I will take a moment and ask the desk how much time I have used. I would like to be notified when I have used 10 minutes.

The PRESIDING OFFICER. The Senator has used 6½ minutes, and the Chair will be pleased to notify the Senator when 3½ minutes is up.

Mr. SESSIONS. I thank the Chair.

I ask unanimous consent that the time allocated to the Republican side be limited to 10 minutes per speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Senator DURBIN did say we need to have an opportunity to offer amendments and vote on amendments and let's talk about how to develop a national energy policy. I take that as a good statement. The only thing I am worried about is that will be one of these deals in which we on both sides say: Your amendment has to have 60 votes to pass and our amendments have to have 60 votes to pass. We do that a lot of times because we know neither side will get 60 votes. What we need is some bipartisan participation, and we need to do some things.

Eighty-five percent of our offshore oil and gas is under a moratorium. We have blocked the Air Force's ability to use synthetic fuels produced from coal. We—I say ''we,'' I mean the Democratic majority, in truth—slipped that through in the last Energy bill that passed.

Our colleague, Senator OBAMA, a Member of this Senate, the nominee of the Democratic Party for President, praised Vice President Gore's speech and has not made, to my knowledge, one specific criticism of it. In the former Vice President's speech, he did not in any way suggest nuclear power as one of the solutions to the difficulty we are in, which is pretty much unthinkable, if one gets my drift. It has to be done.

Nuclear power is making a comeback around the world. According to the World Nuclear Association, 129 plants are currently on order or under construction in 41 countries and 218 more have been proposed. We have 104 in America. It makes 20 percent of our electricity. Fifty percent is coal, 20 percent is natural gas, 20 percent is nuclear, 10 percent is all the rest, with less than 1 percent coming from wind at the present time. These European countries, advanced countries, have come to clearly recognize that nuclear power is the best way to produce clean base load power without it emitting pollutants. England, the United Kingdom, has recently commissioned eight new reactors, reversing its recent policy to abandon nuclear power. Germany's Chancellor Angela Merkel has also recognized the importance of nuclear power in meeting their challenges, calling for a halt to the odd plan they had to close down their existing reactors. The American people also support the expansion of nuclear power. Of course, France has 80 percent of its power coming from nuclear, and Japan is soon to pass the 50-percent mark. According to an MSNBC poll, 67 percent of the American people support building more nuclear powerplants.

I see the Chair is calling my time, and other Members are here to speak. I do believe that in any component to move to clean, nongreenhouse-gas-emitting energy, nuclear power has to be a part of it. I have not seen that in my colleagues' plan, zero from the Democratic side on this issue. It is something we must do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, in just short of 2 weeks, the Senate will leave for what is the traditional August recess. There is one thing about which every Member of this Senate today agrees upon, not a single dissenting statement from anybody—the largest problem and biggest issue facing the American people today is the rising cost of energy and specifically the high

cost of gasoline. It would be sad and disappointing if this Senate adjourned for a recess in August without having addressed the energy problem in a meaningful, bipartisan, multifaceted way.

In the speech I made on the floor 3 weeks ago, I made the statement that it was time for Republicans and Democrats to put the elephants and the donkeys in the barn. It is time for us to find a way to find common ground, set aside those divided issues, and put on the table those issues which both of us know will help to solve the rapidly increasing price of energy and the long-term problems it portends.

Last Thursday, Senators BINGAMAN and DOMENICI brought to the Senate two renowned experts on economics and energy. They testified for over 4 hours in Dirksen room 50. About halfway through that testimony, Senator CONRAD of North Dakota posed the following question to both of them. He asked: Gentlemen, if you could, please tell me, where is it America has gone wrong? After pausing for a minute, the economist leaned back and said: For 25 years, the United States has encouraged consumption and discouraged production. We should be encouraging production and discouraging consumption.

The lightbulb went off in my mind. He is exactly right. The policies of this Congress, of our leadership, Republican and Democratic, have looked the other way. We looked the other way when we dodged the bullet of the Arab oil embargo in the 1970s. We forgot about the lines, the shortages, the caps. Somehow, we looked out to another day to solve the problem.

That other day has come. I suggest to you there are multiple things we all agree upon, if we will put our partisanship aside and do it. I encourage the majority leader to allow, when we get to cloture, all amendments to be offered and debate to be open and free-flowing and for us to be willing to put all issues on the table.

Let me begin. S. 3268, the bill before us, deals with speculation. I have read through the bill. I want to commend two parts of it.

No. 1, I commend transparency. Most of us in this body are not familiar with speculation or the speculative markets or commodities. We all need a better education and more facts to get it, and the exchanges ought to have absolute transparency so we know what is going on all the time everywhere.

Secondly, I commend the portion on position limits. I learned the other day—and I believe this is an absolutely accurate statement—that all the users of commodities—airlines that buy futures in petroleum, cereal makers who buy futures in grain—all have position limits, meaning there are limits to which they can speculate.

But did you know who does not have a position limit? The investment bankers on Wall Street. The same people who brought us the subprime crisis by securitizing high-risk loans at high yield are the same people who, in some way or another, have no limit on the positions they can take or offer in the commodities market. I think the position limits ought to be equalized across the board, whether you are a user or a speculator or a Wall Street banker.

So those are both good positions. But that is the only thing the bill addresses—speculation—when there are so many other things we need to do. No. 1, on the production side, we do need to start exploring our own resources. It is true, it will take 10 years to get some of those resources to produce. But the very fact we finally make up our mind to do it will make it 1 day shorter each day we have made up our mind. If we put it off today, it is 10 years from tomorrow before we get the production. We ought to go ahead and get it.

Where we have significant differences—such as ANWR; we can debate that separately—but there are other issues where there should be no debate, either in the OCS or extracting the shale oil in Colorado, North Dakota, and Montana. Conservation, encouraging a savings—we ought to be working to do everything we can to encourage Americans to conserve.

Quite frankly, Americans have already gotten that message. For all the rapid transit, mass transit in my city of Atlanta, the buses are full, with standing room only. So is the subway. Ridership is way up. The traffic is much better because people are starting to find economical ways to travel. We ought to incentivize more and more of that.

We ought to incentivize conservation wherever we can. We also ought to look at those things such as nuclear energy. I know the Presiding Officer today has shared with me the common ground he and I have on a safe, reliable way to produce energy in nuclear. It does not pollute. It does not contribute carbon. It is proven to be reliable around the world.

Mr. President, 19 percent of our energy today comes from nuclear. In 20 years we could take it to 50 percent, and we could reduce our carbon footprint, while geopolitically we could have a tremendously positive effect on our country. Renewable sources of energy should be incentivized across the board, as biofuels should be the same way. We should not have selective encouragement in tax policy. We should have open encouragement on all research and development, whether it is synthetic, renewables, or biofuels.

In essence, I have simply come to the floor to say this: We all know precisely what the problem is. We all know there is not one answer. It is not just speculation. It is not just exploration. It is not just conservation. It is not just wind. It is not just solar. It is not just hybrid vehicles. It is not just plug-in cars. It is all of those things.

But the solution lies in the heart of a Senate that is willing to put its partisanship aside, address the No. 1 issue facing the people of the United States of America, and find a willingness and a heart to find common ground. Our country faces some significant challenges economically today, and whatever our differences may be politically, we should be united in finding common ground to solve those problems, and the biggest is the price of energy to the American family. It is impacting every single thing they do.

So I come to the floor today to welcome the ability to debate this legislation, to want to talk about dealing with speculation—but not speculation alone. We should not make ourselves feel good by passing one bill that deals with one issue and only one component part and go home and say we did something. We should take pride in taking all the facets we can agree on—whatever they might be—incorporating them in a bill, and leave here in August knowing we did something for the people who have sent us up here to represent them, the people of the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANDERS). The Senator yields the floor.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, nothing—nothing—is more urgent, more important today, and nothing is of greater significance to the American people than dealing with our energy crisis. Gas is $4 a gallon. Every time you fill up, it is like getting a smack in the face. My constituents say they don't know what is going to get filled up first: their tank or their credit limit.

We have to cut to the chase. Americans are furious with Congress. They are not just angry about our inability to get something done, they are fearful that political leaders on both sides of the political aisle are more concerned about winning elections and partisan arguments than they are about protecting our Nation.

I am glad the leader has brought an energy speculation bill to the floor, and that is a piece of this issue. I will talk about that a little later. But we need a full-throttled debate. We have to put everything on the table. The American people expect us to do all we can, not take a piece and get involved in a political debate, and perhaps walk away with nothing being done and say we put it on the table. This is not about what you put on the table. This is about whether you are serious about dealing with this issue of understanding that, yes, we have to deal with more conservation; that, yes, we have to deal with new technologies to cut energy use; that, yes, we have to deal with speculation; that, yes, we have to deal with finding more energy and consuming less—all of it.

To simply address and pass a speculation bill alone to address the energy crisis would be like using a garden hose to put out a forest fire. The issue is that great, the challenge is that great, and the American people expect us to

deal with this in an honest way. If you disagree with whether we should do more exploration in the Outer Continental Shelf, then vote on it. But this is not something in which we can simply put something on the table and tell the American public we have dealt with it. They are smarter than that. They deserve better than that.

America is blessed with remarkable energy resources, but we have tied our hands behind our backs—keeping vast oil and gas deposits off limits in the Outer Continental Shelf, not to mention potential oil shale. Just consider: We currently have 85 percent of offshore acreage off limits—in the lower 48 States—to development and 100 percent of at least 800 billion barrels of recoverable oil from oil shale off limits. If we developed the entire OCS, we could see an additional perhaps 86 billion barrels of oil and 420 trillion cubic feet of natural gas.

The argument is made: Well, there are areas that are not being used today. Listen, I am a believer of if you don't use it, lose it. But where is the logic in saying we have production in areas that are producing oil today that may be closer to shore but still offshore, and somehow we have drawn this arbitrary line that says we can't go right next to it? Oil is not found in quadrants or areas. There are veins that run across. Americans expect us to do everything we can to take the pressure off so they can live their lives and enjoy their lives.

If we can push forward energy-saving technologies at our fingertips, we could see an immediate impact on prices. For one, Congress should accelerate the production of plug-in hybrid electric cars and trucks, which would dramatically reduce the cost of fueling vehicles for consumers and lower the demand for fuel.

We should expand tax incentives to produce and purchase vehicles running on alternative energy and fuel cell technology. There are lots of options out there. We have to get serious about it.

Americans know we have tremendous energy resources, and when many cannot afford to drive to work, it infuriates folks if Congress refuses to use those resources. Many share the frustrations of a Minneapolis man who wrote:

> We need energy independence. Why should we be paying for our energy from the very countries that want to kill us? DRILL domestically now! We have vast resources of our own that should be tapped.

From southern Minnesota, a man expressing his anger at Congress's inaction asks:

> How much economic pain must Americans suffer before Congress changes course? Gasoline prices are at $4.00 a gallon and rising. . . . It is time to do something different. Most Americans want energy independence.

Or at least not to be held hostage. That is what this is about.

> They want to create new jobs here in America. We should do that with new technology by boosting domestic energy supplies so we can lower the price of gas and reduce our dependence on foreign oil.

Americans get it. They understand that with $4 a gallon gasoline, we need a comprehensive energy plan, and we need it yesterday. The great news is we not only have the capability to produce more and use less, the natural and technical resources to solve this energy crisis, but I also believe there is enough room for compromise. There are Democrats and Republicans working together, Democrats who understand we need to find more energy and bring it to the surface, use it.

We have to figure out a way to get past this divide, this idea that if we put it on the table and we have generated a debate, somehow we have done something, because we have not. There is not a full-throttled, honest effort to deal with this problem unless we put it on the table, have the debate, and we come to some conclusion. The answer is not complicated: Find more, consume less. You have to do both. There are folks working on plans right now.

We can authorize deepwater drilling in America's Outer Continental Shelf. By the way, plow the Government revenues from the OCS into a fund to fully fund renewable energy, fully fund energy efficiency programs, fully fund some of the programs that I know the Presiding Officer is concerned about—low-income heating assistance. Folks are going to be impacted this winter when the price of natural gas goes through the roof and the price of home heating oil goes through the roof. If we have the opportunity to bring in resources to fund those things, it is a win-win for everybody.

We need to allow exploration of ways to tap into America's vast oil shale deposits. We need to expand electricity generation from new nuclear plants. It is not enough to say: Let's wait until we figure out what to do with the waste. I always tell folks, the French are not braver than we are. Whether it is 75 percent or 85 percent of their energy that comes from nuclear energy, they reprocess the waste. If you say we are going to wait to solve the problem, it means you are not for expanding the use of nuclear energy, and that is a mistake.

We need to do it all. We need to fund technological breakthroughs in battery technology to bring plug-in cars and trucks to the market. We need to prevent energy futures speculation from artificially inflating prices.

One thing stands in the way of doing what the American people sent us to accomplish, and that is political gamesmanship.

A woman in rural Minnesota with a 9-year-old son and struggling with a 67-mile commute summed up a lot of the frustration out there when she wrote to me:

> I am sick of the lame excuses I hear from all of you. I would really appreciate it if you could stop politicking and do something before the people of this Country get more desperate. This is your job, this is what you were elected by the people to do.

She is right. This is what we were elected to do.

The majority leader has called up a bill focused on speculation in the energy commodity markets, which is certainly one of the areas we should act on. As former chairman and current ranking member of the Permanent Subcommittee on Investigations, I have worked with my friend and colleague Senator CARL LEVIN on this issue of market manipulation and excessive speculation in the commodity markets for years. I am proud of the work we did to close the Enron loophole as part of the farm bill. I, along with many others in the Senate, have been looking into the effect of increased speculation in the commodity markets on the price of oil.

I hope the majority leader will allow speculation amendments so we can consider other approaches to dealing with speculation, such as a proposal recently introduced by Senator LEVIN and Senator FEINSTEIN that I have cosponsored. But what we need is an amendment process that allows production and efficiency amendments to also be considered.

We keep hearing about this concept: If we do what we did with landing a man on the Moon, by the end of the decade we can get this done. If you reflect, at that time the Russians put Sputnik in space first. It was a blow to the American ego. When President Kennedy set forth his vision: We will land a man on the Moon by the end of the decade, we did not have computer technology to get to the Moon, never mind to get back. But Americans came together with a vision and a plan and a resolve.

I suggest that you did not land a man on the Moon with a single-stage rocket that went halfway there. You have to get to the moon, and you have to get back. You did not land a man on the Moon—or you are not going to end the challenge we have now to do something about the price of oil if you say no to new exploration, if you say no to new expanded nuclear production, if you say no to oil shale exploration. You cannot be saying no to new opportunities and then, in the same breath, say: We need a man-on-the-Moon commitment. We need a commitment that is real, that is across the board. Put it all on the table, and then make some decisions.

We hear the argument that says: Well, if we move forward with new production, some of it is not going to take effect for 10 years. When I was mayor of St. Paul, I took over a city in which we abandoned the areas along the shores of the Mississippi, what I called the retreat of the industrial wasteland. We had industries there, and they stepped back, and it was barren. So when I talked to folks about planting trees, they would always say—I remember this because it rings true today—the best time to plant trees was

20 years ago, 10 years ago. The second best time is now. The best time to have done the exploration was 10 years ago. The second best time is now.

My friends who will come to St. Paul this year for the Republican National Convention will see tens of thousands of trees that are in full bloom because we planted them when I was mayor more than 10 years ago.

Energy is the same way. It sure would have been better to open up deepwater drilling 10 years ago, but that does not mean we should not start now, or else we condemn Senators in 2018 to rehearsing and rehashing this same debate.

I wish to share one last letter from a constituent who wants us to get beyond the partisanship and get to work. Dan writes:

> I am a middle class Minnesotan and have become very concerned over the last several years about our elected leadership in the Congress. Are they working for the people of this country or the political parties they belong to? Now is the time to address energy issues, not after the fall election. It is time to open up areas in America to exploration.

Finally, he goes on to ask:

> Do you think the founding fathers of this country would be proud of the political process today?

I think this is exactly what we should be asking ourselves. If ever there were a moment for us to come together as a nation to protect and preserve our freedom and our liberty, as our Founders did more than 200 years ago, that moment is right now.

We recently celebrated our Nation's day of independence. As I traveled to Minnesota, I found no signs of retreat or fear about America's ability to meet this energy crisis head on. They were certain we can reach energy independence, that we can stop being held hostage by thugs, tyrants, Saudi sheiks, Ahmadi Nejad, Chavez, and others. Yet they were uncertain Congress would be able to summon the courage and conviction necessary to set this Nation on a new path.

We must act on a comprehensive energy bill before the August recess, and there is no better time to do it than now. Let us do the job we were sent here to do.

In 1994, Members of Congress worked into the August recess to pass a crime prevention bill. If we cannot pass a comprehensive energy bill with solutions big enough to match the size of this crisis before the August recess, then I don't think we should leave for the recess until we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, here is the situation we find ourselves in with respect to oil. Global supplies are tight, global demand keeps rising, and our country has a dangerous dependence we haven't yet begun to break. Meanwhile, the Bush administration has run up massive budget deficits, instigated by war in Iraq that is costing us $5,000 per second, tax cuts for the wealthiest Americans that could cost more than $4 trillion before the next decade is out, and that has caused the value of the dollar to drop and investors to buy more commodities, such as oil.

The oil futures market used to be primarily a place for companies to pay in advance for oil supplies they knew they would need. But now the futures market is overcome with runaway speculation, with people buying futures because they are betting the price will go up. Some experts say speculation is adding as much as 50 percent to the cost of every barrel. With oil prices this high, oil companies are raking in record profits—sums of money that are bigger than the GDP of some countries.

But instead of reinvesting that money in their business and in renewable energy possibilities, and expanding production to meet our country's growing needs, oil companies are investing in their own share price by buying back their own stock. That may be good news for Wall Street, but it is bad news for anyone struggling to pay to fill up their gas tanks.

That is how we have gotten to $140 a barrel oil—tight supply, high dependency and demand, a Bush budget deficit that is weakening the dollar—oil is traded in dollars—speculation in the market, and the oil companies' greater concern for boosting their share price than for boosting production.

Some of my colleagues on the other side of the aisle have suggested all it would take to bring down oil prices would be to allow oil companies to drill off the east and west coasts of the United States. Here is the problem with that: The companies already have, as we have said before on the floor, 68 million acres of Federal land under lease that they are largely not exploiting. The Federal Government will be opening 2.3 million additional acres to them in October, and they have over 200 million more acres they don't lease, but they could if they wanted to. The oil companies clearly think there is oil on all those millions of acres or else they would not be leasing the land. But they are not using it.

To get an idea of the scale that is involved, here is a map showing how much territory the oil companies control in the Gulf of Mexico. The red area represents all of those unused acres. It is a huge portion of the gulf region that is going completely undeveloped, and that has been available to them already. Yet all of those red areas go undeveloped.

Here is an even more impressive map—the map of how much of the western United States oil companies control. The black portions show where oil companies are exploring and, again, the red section shows where they are not exploring. As you can see, it is overwhelmingly staggering, all of those red sections of places where they already have the ability to pursue, which they are simply not pursuing.

The oil companies control an enormous amount of land. When you add it all up, it is an area more than 12 times the size of my home State of New Jersey. So why would signing over yet more land to them have any effect at all?

It is not that companies don't have enough land to drill on. That is not the bottleneck. The bottleneck is that, for 20 years, oil companies have been underinvesting in oil exploration and in the infrastructure, the equipment, and even the engineers needed to do additional drilling.

Here is what the CEO of the American Petroleum Institute—the trade organization representing all of these companies—said last month:

> Every single available drilling rig, drill ship is in use—being used right now. You can't go and drill when you don't have equipment. We are not magicians as an industry.

So all of this clamor for more land doesn't do anything about that reality. For all of this land, this water, the rights, all of these land rights—all of that doesn't even deal with that. If we give them even 1 more acre, what would it mean?

That is part of why it would take so long—as long as a decade—to get to the first drop of oil from the Outer Continental Shelf. Even if we wanted to, if we thought it were good policy—which I do not—the capacity isn't there.

There is a reason they don't have the equipment to drill more: They are not reinvesting in their own businesses. They are only investing in their own stock. Last year, ExxonMobil spent about $21 billion in capital expenditures, such as buying new equipment, compared to more than $35 billion it gave to its stockholders.

What we see here in this chart is, in fact, billions of dollars of big oil stock buybacks. You can see that from 2002 to 2007, it has increased over five times what it was 6 years ago. So the reality is we have a lot of money from big oil going back into big oil stocks, raising the value of these stocks, but doing nothing about what the CEO of the American Petroleum Institute talked about.

In the first quarter of this year, with oil prices sky high, ExxonMobil decided to spend almost $9 billion on stock buybacks alone—$9 billion in the first quarter. They spent almost a full 40-percent less on actually exploring for oil. The situation is more extreme at ConocoPhillips, which told its investors that its stock buybacks this quarter will come to about $2.5 billion or nine times its budget for exploration.

On the whole, the five biggest international oil companies used more than half of the cash they made from their businesses in stock buybacks and dividends last year, up from only 1 percent in the early 1990s.

An expert at Rice University who studies how oil companies spend their money summed it up very well. She said:

> If you're not spending your money finding and developing new oil, then there's no new oil.

There is a very simple economic reality here: While families are struggling to make ends meet, the oil companies are flush with cash. We have seen big oil profits steadily increasing under this administration, from approximately $22 billion or so in 2002 to nearly $120 billion in 2007. That is about $100 billion more.

There is a simple economic reality here. Families are struggling to make ends meet, but the oil companies are flush with cash. Instead of investing in the new equipment they say they need to pursue the lands they want, they are giving themselves a big payback and plowing their cash back into their own stocks.

At some point, oil companies need to recognize they have been trusted to manage natural resources from public lands, and there are times when they have a responsibility greater than boosting their bottom line. With gas and food prices through the roof, and the economy sputtering, we arrived at that point long ago. So when people say, ''We need to drill more,'' I say, tell it to the oil companies. Tell them to use their profits to invest in more equipment and drill in the 68 million acres they already have leased.

Basically, when oil companies say that giving them more acreage would increase the amount of oil they produce, it is like saying, if your car is about to run out of gas, you need to pull over and install a bigger tank. The problem in that situation isn't the size of the tank, and the problem we face right now isn't that oil companies don't have enough land to drill on. The problem is they are not drilling on what they have. Not to mention, even if offshore drilling produced every drop optimists are talking about, it would not even be close enough to affect gas prices one way or another. Even President Bush's own Energy Information Administration admits that all we are talking about is a drop in the bucket that will have no effect whatsoever on the price at the pump.

Let me put offshore production into perspective. What our colleagues say is the panacea, the solution to everything, is misleading. The way they say this, you would think if we drill tomorrow, open up new land around our Outer Continental Shelf, guess what spurts right up? Let this happen tomorrow and you will get gasoline in your tank for a lot less.

I think the American public understands this much better than that. It understands it takes a decade before we see the first drop, and it understands it takes until 2030. Let's talk about needing relief now, not in 2030. Even then, what do we get?

Since April, Americans have responded to record high gas prices by using over 800,000 barrels a day less—800,000 barrels a day less than we did 1 year ago. This is the most significant and sudden drop in oil demand since the 1970s.

What has happened—notwithstanding the fact that we have reduced demand by 800,000 barrels a day—is that since April we have continued to see record gas prices—prices going up. In recent weeks, Saudi Arabia has increased their production by 500,000 barrels every day. What happened? Gas prices continued to go up.

So how is it that if we had 800,000 barrels a day in reduced demand—gas prices went up—and 500,000 barrels a day in new production by Saudi Arabia—a combination of 1.3 million barrels a day—how does the Bush-McCain drilling plan compare to these recent events wherein prices have gone up, notwithstanding that shift of 1.3 million barrels a day?

If we open all our shores and risk all our tourism, fishing industries, and all the economies of all the coastal States to oil production, the first drop of oil wouldn't be seen until the year 2017, and oil production would peak in the year 2030. What could we get in the year 2030? We would get 200,000 barrels a day. Well, my God, if a reduction of 800,000 barrels a day has done nothing and gas prices went up, if the Saudis are pumping out 500,000 new barrels a day and prices go up, how is it that getting 200,000 barrels a day in the year 2030 is going to reduce gas prices tomorrow? It is a sham being created by those who want another grab for their oil company friends, as we have seen over the last 7 years by the two oilmen in the White House.

To put that number another way, the amount of gas we could get from offshore drilling is equivalent to a few tablespoons per car per day. Together, an 800,000 barrels-per-day reduction in demand, an increase of 500,000 barrels per day of Saudi production equals that 1.3 million barrels-per-day shift in the market. Yet we still have record gas prices. So if this massive shift has no impact, it is clear the production of 200,000 barrels a day in the year 2030 will do absolutely nothing at all about gas prices today. It is simply wrong to think that opening offshore drilling will lower gas prices.

So one might ask: Why are oil companies asking us to hand over more land when they already have so much that is unused? It seems to me there is only one explanation. Oil companies aren't actually in a rush to drill in those areas, but they are in a rush to control as much Federal land as possible before their friends in the Bush administration leave office. The oil companies' strategy right now is to grab control of as much Federal land and water as possible before January 20 of 2009, the date the next President of the United States takes office. They are trying to take advantage of the current energy crisis to take control of more public property and boost their profits. The GOP plan to open our shores to drilling isn't only about oil prices, believe me; it is about share prices. That plan comes with a serious pricetag: a vast increase in the risk to the health of our coasts and the economies they support.

Sometimes, if you go to the Archives building here in Washington, on its portal it says, ''What's past is prologue,'' and I would remind Americans of some of these facts. We were all told we had the most advanced tankers in the world and that they would prevent any spills from happening, but we all also, I hope, remember the devastation off the coast of Alaska after the crash of the *Exxon Valdez*. We all remember that after Hurricanes Katrina and Rita there was, yes, a human tragedy and there was also an economic tragedy. There was an environmental tragedy off the gulf coast. I have read comments by some who say: Oh, nothing happened. Look at that. The infrastructure and the technology is so advanced, we didn't get one drop of spillage after Hurricanes Katrina and Rita. Wrong. False. Seven hundred thousand gallons of oil spilled into the Gulf of Mexico, and over 7 million gallons of oil leaked offshore from the infrastructure that supports offshore drilling.

Now, here is a picture. This is not my picture; this is a picture from the U.S. Coast Guard. What did they do to try to deal with the oil that leaked? They burned it to try to dissipate it. If I saw this off the New Jersey shore or in North Carolina or Florida or California or Oregon or Washington, I would say that is a major disaster. Yet we have colleagues who say not a drop—not a drop—spilled. False. Wrong. Not true.

Between commercial fishing, sport fishing, forestry, and tourism, drilling would pose a threat to coastal economies that are over $200 billion a year. That is how much our coastal economies generate along the east and west coasts—over $200 billion a year. That is part of what led President Bush's father to declare, when he was President, when he put in place the moratorium on offshore drilling, that:

> Certain areas of our coast represent unique natural resources. In those areas, even the small risks posed by oil and gas development may be too great.

I don't consider this type of contamination a small risk, but even the first President Bush said: ''Even those risks posed by oil and gas development may be too great.''

Even what he considered small risks were too great. This is far beyond small risks. It is what led President Bush's brother, Jeb, the former Governor of Florida, to say: ''Protection of those resources is of paramount importance to the State of Florida.''

Now, those Bushes got it straight. They understood.

In my home State of New Jersey, we cannot escape those risks, when drilling would happen less than 100 miles off our shores. The New Jersey shore generates tens of billions of dollars in revenues each year, and it supports about a half a million jobs. We have already seen in the past the devastating economic effects of medical waste washing up on our beaches. New Jersey families and businesses cannot afford the risk of an oil slick on the scale of

the *Exxon Valdez* crash or the spills after Hurricanes Katrina and Rita, with sticky crude forcing beaches to close, killing wildlife, collapsing property values, and destroying our economy in the process.

We need real barrels coming out of the ground, not paper barrels filling nothing but big oils' balance sheets. It is time to take action to shore up our energy security and drive down the price of gasoline.

First, we need to take action to lower gas prices now. The Federal Government should release oil from the Strategic Petroleum Reserve to provide immediate relief. We can have a swap where we can take the light crude—we can actually, in fact, make money on this—and get the type of crude we need and, at the same time, help try to affect the price by having that immediate surge of oil into the marketplace.

In addition, I have joined with Senators FEINGOLD and DODD to introduce the Responsible Federal Oil and Gas Lease Act, which requires oil companies to show they are either producing oil or gas on public lands or making progress exploring or developing them on current leases before they get their hands on more land, when they are not even producing on that which they have.

We have also introduced the Responsible Ownership of Public Land Act, along with Senator DURBIN. The bill would charge oil companies a fee for every acre of land they lease but fail to use for production. The combination of these measures could give the oil companies the incentives they need to get barrels of oil off their balance sheets and into the marketplace.

In addition, I will be offering an amendment to make sure oil that is produced on land owned by the people of the United States gets used by the people of the United States. Right now, oil companies shift 1.5 million barrels per day of domestically produced oil overseas. So 1.5 million barrels a day produced in the lands and waters of the United States shift overseas. Last year, that meant over half a billion barrels of oil per year was taken from U.S. public lands and sent abroad. Now, we are talking about using the Outer Continental Shelf and getting 200,000 barrels in the year 2030, while we have been sending over 1.5 million barrels a day to other places in the world—oil that comes from public lands.

If we are going to endanger our own environment and deplete our own resources, certainly we should be the ones who benefit from it. Not that I believe that should be the case, but in terms of taking a risk for our own lands and public resources—certainly not to drill off the coast, but to the extent that we have drilling going on now and we have land they are not drilling on, that ultimate production should be used here in the United States. Over half a billion barrels are sent abroad. We need to bring medium- and long-term relief so an energy crisis such as this does not happen again.

That moves us to the ultimate goal. This country should be far more aspirational in its view of this issue. We should approve the renewable energy tax extensions bill, which our colleagues on the Republican side have opposed, that would help continue the rapid growth of wind and solar and provide an incentive for the purchase of plug-in hybrid vehicles. This will help us begin the transition to new energy sources so we are not so vulnerable to the rising costs of fossil fuels, not to mention what it does to our environment and global warming.

We should clamp down on rampant oil speculation and burst the speculative bubble that has caused oil prices to skyrocket.

We should be acting now on global climate change legislation that lays out the framework to completely change our economy from one that is based on oil and other fossil fuels to an economy based on renewable energy.

That is a real plan, not just a plan to go out in search of our next oil fix.

Increasing the share of oil we produce here at home is important, and we should make sure there are incentives for oil companies to produce, but authorizing drilling in the Outer Continental Shelf would just be a distraction and would do nothing to bring down gas prices, now or ever.

Drivers are calling out for us to bring down gas prices, not to prop up oil companies' stock prices. Our Government needs to stop holding the oil companies' hand and start holding them accountable. American families and businesses deserve a government that works for them, not just for the people who sell us our oil.

A mother can't fill the family car with the predictions in oil companies' annual reports. A business can't ship its products with so-called likely reserves. What makes the engine of our economy run today is what comes out of the ground, not what is written on paper. What will make our economy run tomorrow is our ability to transition beyond this addiction.

Making a major commitment to create the economy of the future, free from the liquid shackles of oil, would send a clear message to the world that America is ready to lead again. That is the message we should be sending.

We have to ask ourselves: Since when have we been a country that is afraid of a challenge? Since when have we waited for others to innovate, waited for others to rescue us from the dangers we face, waited for other nations to take the lead?

When we entered the Second World War, our allies knew we were in it with our hearts and souls. When President Kennedy announced we would go to the Moon, friend and foe alike knew we would not rest until we had allowed mankind to take that giant step.

I refuse to believe a country responsible for the light bulb, the telephone, and the computer can't decide to become a country powered by wind turbines, solar cells, and geothermal plants. There is no reason we can't decide to move toward powering our Nation with innovative, clean energy, especially since we have the technology to get started.

Two Americans were the first to fly. As one engineer said at the time: ''The Wright brothers flew right through the smokescreen of impossibility.''

It is time we showed we believe that ending this energy crisis is incredibly possible.

If we want to bring down the sky-high price of oil, stop shipping our money overseas in exchange for foreign oil and make our economy soar again. It is time we did everything we can to get a real program for energy independence off the ground. That is our real challenge. That is our real opportunity. That should be our real mission.

I close once again by saying that this comment about offshore drilling, that it is the way we are going to solve all our problems—800,000-barrel reduction in demand, prices went up; 500,000 barrels more production by the Saudis, gas prices went up; 1.3 million barrels and change, prices went up; 68 million acres of land the oil companies have they don't use, that is another reason prices go up—restrict the demand.

The bottom line is, let's move forward in a way that meets our challenge not only today but tomorrow. We are a country that can do. We are a country of infinite possibilities. It is time to go beyond the shortsighted, narrow view that, in fact, we must risk all of our coastal economies, $200 billion a year, for something that won't produce one drop of oil for a decade, won't receive full production until 2030, and won't do anything now or in the future about reducing gas prices but will ultimately say to future generations of Americans that we, in the expediency of the moment, were willing to risk not only those economies but the natural resources of this country for something that would do absolutely nothing about gas prices.

We can do better than that. That is what this debate is all about, and that is the opportunity we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know we are all under confined time. I have a lot more to say than time will allow. I just listened to these remarks, and I wonder, why do people think the American people are so dumb they don't understand supply and demand?

A couple weeks ago—and no one can ever accuse the Washington Post of being partial to conservatives or Republicans, but they came out with an editorial, and they said: Why do Members of Congress think they can repeal the law of supply and demand? You can say it all you want, but we have to have more supply.

Ever since the 1995 veto of the bill that would allow us to go offshore to increase our supply, go to ANWR, go to oil shale, the Democrats have voted against increasing supply since that time. That was the middle nineties, and now we are paying for it. I can remember coming to the floor of the Senate back then when President Clinton vetoed the bill that would allow us to increase our supply and saying the day is coming when we are going to be sorry we did this.

I am very proud that the other day President Bush called for action by Congress in four areas. One is the Outer Continental Shelf, about which we have been talking. The others are ANWR and America's oil shale.

To give an idea of the capacity, this is called supply. We know what our demand is; everyone is demanding. This is supply. We called for it. We can have all the supply in the world, but if we don't have the refining capacity, we are not going to be able to use it.

We had the Gas Price Act. I thought that was one that would offset any kind of objection to the idea that we should be refining in this country. It was using some of these closed military places, along with EDA grants, to allow them to have refineries in America. We don't have the refining capacity in America, and we need to have it. We need to have the supply, and we need to have the capacity to refine the oil.

Polling—and I think the Democrats should be looking at this—is not where it used to be. The recent polling data from Rasmussen showed that 67 percent of the voters support offshore drilling. Only 18 percent oppose it. The same poll also found that 64 percent believe that if offshore drilling is allowed, gas prices will go down. And they will. There have been several editorials which we have made part of the RECORD which have shown the market response when things such as this happen. When we open capacity, the market will respond.

Another poll found that 81 percent of Americans support greater use of domestic energy resources. By a margin of more than four to one, Americans surveyed supported the United States tapping into its own domestic energy reserves. We are the only country in the world that does not tap our own reserves.

With regard to offshore, I listened to the arguments, which are really kind of ludicrous. When you stop and realize that offshore we have the capacity of 14 billion new barrels, and people come down and say—I heard the assistant majority leader say a few minutes ago that there are 68 million acres out there that are not being explored, not being produced, not being drilled at this time. There is a very good reason for that—because there is no oil on them. Oil isn't everywhere, but where you know it is, you need to go after it. So 85 percent of the land where there is an opportunity to bring oil in, the Democrats won't let us explore it. It is something I think the American people understand and understand very clearly.

ANWR is another area. It contains 10 billion barrels—back at the time President Clinton vetoed the bill—that would be coming through the pipeline today in resolving these problems we have.

Rocky Mountain oil shale—that is the big one. That is the one that has 2 trillion barrels. Right now, they cannot go after them, they cannot continue technology, they cannot explore for that, they cannot produce it because the Democrats have a moratorium. Yet, if you go to the States where this is located—Colorado, Utah, the Western States—they all want to do it. It would be great for the economy, it would be great for America, and it would not take any time at all to get this done.

Imports. Opening the Nation's access to reserves on the Outer Continental Shelf, ANWR and oil shale would cut our Nation's trade deficit in half. We have recently been watching T. Boone Pickens, and we should listen to him. He talks about some things we can do with wind energy, but he talks about natural gas, and that is a partial solution to the problem. I have a bill that would allow compressed natural gas to be fully utilized. Right now, there are some obstacles with the EPA and others, but I agree with T. Boone Pickens; that if we pass this bill, we will be able to utilize that. As he said, we need to continue to produce, continue to explore, because we cannot run the greatest machine in the history of mankind on solar and wind power right now. We hope that day comes, but it is not here.

We could cut our trade deficit nearly in half. According to the Energy Information Administration, the United States spent more than $327 billion to import oil in 2007. That is roughly half of the $711 billion trade deficit we had last year. So not only will we get cheaper gas for Americans at the pump merely by increasing capacity, increasing the supply that is out there, but we also would do some great things in terms of our trade deficit situation.

Why should producing America's own resources be a partisan issue? It shouldn't. But the Democrats in Congress refuse to increase the supply of energy, and the gas prices keep rising. We have seen recently that all we have to do is open that and the markets will immediately respond. I feel this is going to happen. I cannot imagine that the polling is going to get much more favorable than it is today.

There is one State—I won't mention which State it is because it is considered to be pretty much a liberal State—that 3 years ago, only 28 percent of the people in that State wanted to drill offshore and in ANWR. Today, it is 68 percent. It doesn't get much better than that.

I suggest, Mr. President, we get the Democrats to join us, increase the supply and resolve the problem, the energy crisis we have right now. The No. 1 problem in America—talk with my wife, talk to any State, they will tell you the No. 1 problem is the price of gas at the pumps. We can solve it with greater supply.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise to speak today on the topic of energy, a topic that is obviously consuming Members of both Chambers of Congress. It is something everyone in the country is focused on, and for good reason—gasoline at $4 a gallon and oil reaching $140 a barrel. Even in the heat of summer, people are concerned with how they are going to pay to heat their homes this winter.

We need a sound, balanced approach to energy. This approach certainly has not been any part of the debate we have had in Congress in recent months because all the discussion seems to center around the idea of speculation, which is something we need to address and should be concerned about, but rest assured, it is not the lion's share of the problem. We need to do more than just look at ways to appropriately regulate our financial markets.

If we look at the bill on the floor, it has fallen into that same trap. This is a bill which does not deal with conservation, it does not deal with alternative and renewable energy, it does not deal with energy research, it does not deal with electricity production, and it does not deal with new production of oil or natural gas or any other kind of energy.

I think people across the country look at a debate such as this and they scratch their heads: How can people seriously think they are going to have a positive impact on energy prices in the medium term or the long term if they are not really doing anything about either supply or demand? There is no question, we do need to continue to work to use less energy, save energy, and conserve energy. However, we also need to work to find more energy, develop new alternatives for energy production, and develop new reserves of energy at home. Those are the kinds of changes that will make a real difference in the long term, but they will also make a real difference in prices today because the energy futures market is just that—a prediction of what the price of energy will be in the future. If the markets, businesses, industry, and investors are convinced that there will be a concerted effort to do a better job saving energy—using less—and do a better job of producing energy—finding more—then those prices will, without question, come down. We need legislation that makes aggressive steps in all of these areas, and to think that we could just deal with one area one time with a very modest approach and have an impact is simply mistaken.

Regulation is important. Regulation is important because it ensures that the markets have integrity. Regulation ensures that investors, whether it is a pension fund or a mutual fund, or a farmer who is hedging prices for the potential of an increase in energy prices in the future, have confidence in the marketplace.

Any time we have a financial market, we want to make sure disclosure is appropriate. In the case of energy futures, we want to make sure we have appropriate position limits and information that is being shared across different platforms so that we understand what those positions are, what their volumes are, and what might be influencing pricing. We also want to make sure that we have information that might be important to bring to bear if there is a case of price manipulation, which is against the law and should be prosecuted to the fullest extent of the law.

The question is really whether what this bill addresses and only addresses—the idea of regulation in the markets—whether this bill as written would significantly affect price. I don't think it would have a significant impact, but I suggest you don't take my word for it. Let's look at what investors and financial experts and regulatory agencies have to say about the current problem.

Just in this past month, Warren Buffett, an intelligent investor, well known, candid, honest, certainly not a Republican, had this say:

It's not speculation, it's supply and demand. We don't have excess capacity in the world anymore and that's why you are seeing oil prices increase.

The Chairman of the Commodity Futures Trading Commission says:

We haven't found evidence that speculators are broadly driving these prices.

The International Energy Agency—not beholden in any way to American politicians or American investors on Wall Street or Main Street—says:

There is little evidence that large investment flows into the futures market are causing an imbalance between supply and demand and therefore contributing to high oil prices.

Chairman Ben Bernanke, testifying before Congress, said:

If financial speculation were pushing oil prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil to increase. But, in fact, available data on oil inventories show notable declines over the past year.

These individuals and organizations are not political in nature. They share the same goal a good legislator would have, or anyone in America, to try to bring down prices. They recognize that simply adding new regulations to the futures market is not going to have a significant effect on the fundamental problem of supply and demand.

So the question is: How do we have an impact? How do we enact legislation today that will have an effect on energy prices, not just in the near term but in the long term as well? Well, we need a little more substance, don't we? And I think that starts with conservation—the idea of using less energy.

It is important to note this is one area where this Congress has taken a positive step, passing for the first time in 32 years an increase in fuel efficiency standards for cars and trucks, and raising that fuel efficiency requirement to 35 miles a gallon by the year 2020. That will make a difference, and we need to work to make sure that is fully implemented.

But we have already seen, if we look back over the last few decades, the impact that conservation can have, because today our economy uses over 30 percent less energy to produce a dollar of goods or services than we required 30 years ago. Legislation such as the conservation measure I described and was pleased to support, will help keep us on track to improve conservation.

Second, clean renewable energy. Again, this pending legislation does nothing to encourage alternative, renewable energy, and yet we have legislation that the Senate previously considered that has strong bipartisan support that would expand the incentives for wind, solar, geothermal, biomass, and high-performance wood-burning systems. We have that legislation. It has passed the Senate 88 to 8. It extends the production credits. And it is good for the environment, of course, as we all know renewable energy is. In New Hampshire, where we have a strong history of sustainable forestry, incentives for high-performance wood-burning systems are good for the local economy, and it plays a real part in reducing our dependence on energy imports.

So we have conservation and we have renewable energy, but with oil reaching $140 a barrel, it is not realistic to think we can reduce our energy imports if we don't produce more here at home. We need domestic production of oil and domestic production of gas, in addition to these clean renewables and conservation initiatives.

One of the previous speakers talked about 10 to 15 billion barrels of oil in the northernmost part of Alaska, billions of barrels of equivalent reserves on the Outer Continental Shelf, deep offshore. And most importantly, today we have the technology to take advantage of these reserves in a way that is more efficient than ever before, and in a way that protects the integrity of the environment better than ever before. The time is now to employ this technology, to unlock this opportunity, and in doing so to have a real impact on the cost of energy in the United States and around the world.

The same individuals who are opposing these initiatives today opposed them 5 years ago, 10 years ago, and 20 years ago. Unfortunately, we didn't take action 5 years ago or 10 years ago, and now they say: Well, if you allow additional production deep offshore, it will take some time to take advantage of those reserves. Of course it will take time. Everything takes time. It takes time to build a new wind farm. It takes time to construct a new nuclear powerplant. It takes time to have the conservation proposals I talked about earlier reach their full impact. But that is all the more reason to start acting today.

Without question, an American commitment to take better advantage of resources here at home will have an impact on the predicted cost of energy out in the future. It will bring down the cost of energy today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, conservation, clean renewable energy, and production—this is a balanced approach, and it is the only approach that will attack on all fronts and ensure that we bring down the cost of energy for all Americans.

A final point I want to make is that even as we act in these areas, there is one other area we need to act on, and that is helping those who don't have the financial means to work through the coming winter months and the high cost of energy. Senator GREGG, who is now on the floor, has introduced legislation to double funding for the Low Income Heating Assistance Program, and to do so in a way that is fully paid for. I am proud to cosponsor that legislation, and it is legislation that should also be included in this final energy package.

We need an opportunity to offer amendments on renewables, on low-income heating assistance, on production, in order to make this a meaningful energy package that makes a difference for all the people in the country by bringing down those energy costs we see every day at the pump and across the country.

Mr. President, I thank you for the time, and I look forward to the opportunity to offer amendments, which I hope will be supported aggressively on the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire.

Mr. GREGG. Mr. President, I first congratulate Senator SUNUNU, my colleague and friend from New Hampshire, for his excellent statement, and I agree with everything he said, especially the part about cosponsoring the bill I introduced. But Senator SUNUNU brings a unique perspective to this issue because he is the only engineer in the body, having graduated from MIT, and he understands the physics and the chemistry and the technology issues of getting more production. Thus when he speaks on those issues, we all need to listen.

I rise, as he and many of my colleagues do today, to ask about why we aren't taking up a more in-depth energy bill than just one that deals with

speculation—and speculation being at the margin of the problem, according to the leading experts on this.

When I was home this weekend, I filled up my wife's car and it cost almost $70. Now that is what you call painful. The people in New Hampshire and across this country, when they pull into that gas station, are asking themselves whether they can afford the price of this gas. People in the Northeast and in the colder parts of this country are worried about what is going to happen this winter when the price of home heating oil has to be met. It is a scary time, and we, as a Congress, have a responsibility to do something about that.

It doesn't take a lot of expertise to know there are two ways you can address this problem: You can produce more energy—hopefully American energy—and you can consume less energy through conservation. This bill that has come to the floor here today basically does neither. It doesn't produce more and it doesn't conserve more. It simply attacks speculators, who, according to most of the experts, haven't been the major problem in this runup in the area of the cost of energy.

The problem is pretty obvious. There are 2.5 billion people between China and India who are starting to use significant amounts of energy as they move into a better lifestyle. That has created massive new demand, and supply has not gone up because there has been no significant increase in supply across the world, especially supply here in the United States. So the price has gone up and gone up dramatically.

The solution isn't, as has been proposed from the other side of the aisle, to not export American energy any longer, which would give us half a day of savings in oil; or to go into the Strategic Oil Reserve and use that all up, which will give us 3.5 days of additional oil. The solution is to look for major new production sources in the United States, as well as conservation initiatives.

For example, if we use oil shale, we have, between 3 States—Utah, Colorado and Wyoming—2 trillion barrels in reserves of oil shale, and it can be withdrawn from the ground in an environmentally safe way. What does that represent? That represents 40,000 days of oil that could be produced—American oil. It is only common sense that we should pursue American oil production, when we can do it in an environmentally safe way—which we can—and when it is sitting there. The American people understand that.

On the Outer Continental Shelf, we have billions of barrels of oil sitting there available, and we know we can produce it in an environmentally safe way. Why do we know that? Because we have had examples of it. Hurricane Katrina, a force 5 hurricane, came right up the Gulf of Mexico and destroyed one of our greatest cities. It was a horrific event. But one thing that didn't happen as a result of Hurricane Katrina was that we did not lose a barrel of oil from the production sites, from the drilling sites in the Gulf of Mexico. So we have proof beyond doubt that oil can be extracted in a safe way, and we should be extracting it.

Why should we be sending billions of dollars annually overseas to governments and individuals who have no use for us—whether it is in Venezuela or Iran—when we can be buying American oil and producing American product here in the United States in a safe and environmentally sound way? It is common sense that these opportunities which sit there should be taken advantage of for the American people, and that we conserve more and we create more renewables.

Yet when a bill comes to the floor which is supposed to involve the major energy debate of this Congress, what happens? The other side of the aisle says they are only going to allow one issue to be discussed: speculation. They are not going to allow the issue of drilling on the Outer Continental Shelf, producing more American energy, to be discussed or voted on or policies to be pursued. They are not going to allow oil shale and the extraction of oil shale to be discussed or voted on or addressed in a way which will allow us to pursue that course of activity. There is no initiative that is going to be allowed to be brought to the floor and no amendment on the issue of expanding nuclear power, which is the cleanest form of energy we have and that doesn't create more environmental hazard in the way of greenhouse gases. All of those issues, which common sense tells you we should be addressing, are taken off the table. All that is wanted from the other side of the aisle is a political vote to give them cover in the next election.

Well, the American people aren't interested in cover for the election, they are not interested in the politics of the next election, they are interested in doing something that has an immediate and long-term effect on the price of energy and makes our Nation stronger.

Now, why does action in the area of production—which may, as the Senator from New Hampshire said, take 5, 10 years to bring on—have an immediate effect on the cost of energy? Because the price of a barrel of oil is based on what is the expected supply in the outyears. And if the international community knows America is going to step up and start producing energy, the price of the barrel of oil goes down.

The world community knows we are sitting on 2 trillion barrels of reserve in oil shale—three times the amount of oil Saudi Arabia has. If we say to the world we are going to access that oil, the price of oil will be affected significantly today, even though it may take a few years to get it on line. We are sitting, as I said, on billions of barrels of oil on the Outer Continental Shelf. If we say to the world we are going to use that oil, we are going to take advantage of that oil, the price of oil on the world market will adjust to reflect that.

And equally important, we will be keeping those dollars in the United States. These are hard-earned American dollars. People spend their weeks working hard to produce that income, and they want to have that income reinvested here in the United States. They do not want to send it to Iran or to Venezuela to be reinvested there. They want it to be reinvested here. And the way you reinvest here is to buy product here.

So we need to produce more, but most especially we need to have a debate on this floor which allows us to discuss these issues in a formal, constructive way so we can have amendments and people can decide what is the best policy, not shut off debate, as is being proposed. What is the fear that pervades the other side of the aisle that they are not willing to discuss the issue of the Outer Continental Shelf? I am willing to take on the issue from an environmental standpoint.

I think I have a pretty good environmental record. I am willing to defend the idea of going on the Outer Continental Shelf to produce energy from an environmental standpoint. I know it is good policy from the standpoint of production. The same is true of oil shale. The same is true of nuclear power.

Let's bring those issues forward here, put some policies in place that allow us to use those type of energy resources so we can reduce the cost to the American people of the price of their energy and also keep those dollars in the United States.

At the same time, we do need to pursue an aggressive course in conservation and in renewables. That is why I am supporting, along with Senator ENSIGN, Senator CANTWELL from Washington, a bill to reauthorize the renewable tax credits so energy sources such as wind and biomass can be aggressively used and effectively used.

Unfortunately, that bill has also been stopped on the floor of the Senate. It should not be. We should be pursuing that course of action as aggressively as we are pursuing alternatives which give us more production.

You know, my experience in Government is that when you confront an issue, and there is a commonsense solution to that issue, most people usually get it. I think most people, at least in New Hampshire, get it, that this issue of energy, which is so huge and so important to everybody's lives, especially as we head into the winter, requires an aggressive response in the area of more production and more conservation.

They also understand, and most people understand, you cannot produce more unless you actually go out and look for it. I mean it is common sense that you cannot produce more unless you look for it. The way you look for it is you look where it is. Where it is is in

the oil shale of the West and in the Outer Continental Shelf.

We have proven beyond any doubt that both of those resources can be used effectively and in an environmentally sound way. At the same time, we know that there are other sources of energy that are available to us, such as nuclear, and that there are ways to conserve, such as advancing the electric car and advancing other initiatives in the area of renewables.

So it is a degradation of our responsibility as a Congress, in my opinion, to not take up this issue and address it across the board; take on all the different elements of it so the American people have some confidence that we are actually moving forward and we are not simply trying to dot a political ''I'' for the next election or to cross a ''T'' for the next election so we can claim we did something here on one item of the overall problem.

This is a time to take some action. I certainly hope we do not leave, that this Congress does not recess without having done something constructive in this area and something that meets the commonsense test of the American people, which is we need to produce more American energy and we need to conserve more American energy.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business but for the time to count against the 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA HOTLINE

Mrs. MURRAY. Mr. President, we have had a very important debate today about energy which I spoke about earlier today. I come to the Senate floor this afternoon to talk about another issue that is also important; that is, to raise awareness about one of the most heartbreaking and alarming consequences of the wars in Iraq and Afghanistan.

In the 5 years since we invaded Iraq, we have seen a disturbing increase in the number of young men and women who are returning home, struggling with the psychological impact of the war and then, sadly, take their own lives. About 1,000 war veterans who are being treated by the VA attempt suicide each month. It is a problem that is affecting many communities across the country.

Earlier this month, we lost a young man in my home State of Washington, just hours after he went to the VA in Spokane to ask for care. He was, in fact, the sixth veteran in that community to take his own life this year. Currently, the Spokane VA is investigating all of those cases. I have spoken to Secretary Peake, and he has assured me his team is on the ground taking a hard look to see what went wrong and what they can learn from that case. But while I appreciate the work Secretary Peake and the Spokane VA are doing, the fact is this is a serious problem across the country.

Every suicide is a tragedy. Those young men and women are someone's son or daughter, someone's best friend, possibly someone's spouse or even a parent. Our hearts go out to all of those families and their friends. These deaths are an urgent reminder that we have to keep our eye on the ball. We owe it to all of our servicemembers and veterans to demand that the VA and the Department of Defense make it a national priority to bring those numbers down.

I acknowledge that the VA is taking steps to reach out to our veterans and their families to let them know that help is available. This week, in fact, the VA is rolling out a public service campaign in Washington, DC. It is part of a 3-month-long pilot program, and the VA is going to be running a series of ads on TV, on buses and trains, and on the subway. Those ads are going to highlight the VA's 24-hour suicide prevention hotline. The number for that is 1–800–273–TALK. It will help assure our veterans it is OK to ask for help. I truly applaud the VA for that effort because it is a good step. We have to absolutely get the word out to veterans and their families. If this helps prevent one tragedy, then it is more than worth it.

I applaud the VA. I hope the Defense Department will also publicize that number among its Active-Duty troops so when they leave the service, they will already be aware of it. But this is only a step. An ad campaign is only as good as the resources that are there when our servicemembers call and ask for help.

If we truly are going to make a difference, we need a much bigger effort. We have to do more to reach out. We have to do more to break down the barriers to those seeking mental health care. We need to back up those efforts with enough resources and money to ensure that when a veteran goes into the hospital asking for help, the VA offers the best care possible.

While I applaud the idea of publicizing the suicide prevention hotline, I believe the military and the VA must reach out long before our young men and women pick up that phone and call for help. That is going to take creativity and leadership.

The VA and the Defense Department can't keep doing things the way they have always done them because the wars in Iraq and Afghanistan are not like any we have fought before. Our All-Volunteer Force has been on the ground in these two countries for longer than we fought in World War II. Troops get very little downtime. Many of them are serving their third or fourth and sometimes fifth deployments. This is a stress that is taking a toll on everyone.

For many of them, it gets worse when they come home to the pressures of everyday life or financial strains or family problems. That is especially true for members of the National Guard and Reserves because, unlike Active-Duty troops who return from battle to go to a military base where there is a support network, many of our Guard and Reserve members go home right away to family pressures and to civilian jobs they need to start right away.

The military and the VA have to update their resources and outreach efforts to match the challenges our troops face when they return. That safety net has to be in place before they ever leave the military. That means we must have creative programs that help our servicemembers transition from that battlefield back to the home front. It means providing family and financial counseling to any servicemember who needs it, and it means developing a way for the military or the VA to follow up with our servicemembers, especially those who have already asked for help with psychological needs. We have to also encourage our servicemembers and veterans to seek care when they need it by breaking down the barriers that prevent them from asking for help.

The VA and the Defense Department have to take strong steps to change the military culture so that servicemembers no longer fear that seeking care will be viewed as some sign of weakness or one that could hurt their career. Even more important, servicemembers and veterans must be convinced if they ask for help, doctors and staff will take them seriously and provide the care they need.

I personally have heard too many tragic stories about veterans who have gone to the VA in distress, only to face a doctor who underestimated their symptoms and sent them home to an end in tragedy. When someone with a history of depression or PTSD or other psychological wounds walks into one of our VAs and says they are suicidal, it should set off alarm bells for everyone. We can't convince veterans or servicemembers to get care if they think they will be met with lectures and closed doors. That is simply unacceptable. At the very least, we have to ensure that staff at military and VA medical centers have the training to recognize and treat someone who is in real distress.

Finally, we have to provide the resources to back up all of these efforts, starting with making sure that the suicide prevention hotline is staffed with enough trained professionals to provide real help to someone in need. I hope that will be the case. Unfortunately, this administration has failed for 8 long years to make good on its promises and provide the resources for our veterans to carry them out. Time and

time again it has taken leaks and scandals to get the administration to own up to major problems at the VA—from inadequate budgets to rising suicide rates about which I am talking today. Its response to rising costs has been to underfund research and cut off services for some of our veterans. We have to do better than that. Servicemembers and veterans need more than an 800 number to call. They need psychiatrists and psychologists who understand the horrors of war and the stresses our troops feel.

We also have to make sure we have the facilities and systems set up to accommodate the troops who will be entering the VA system in the next decade. We have to fast-track research into the signature injuries of this war, such as traumatic brain injury or posttraumatic stress disorder, so we understand how to diagnose and treat those conditions. We need to speed up efforts that will enable the DOD and VA to share records so that fewer servicemembers slip through the cracks as they transition from Active Duty to veteran status. Now is the time to invest in research and infrastructure. We cannot afford to wait.

Many of us are familiar with the story of Joseph Dwyer, a young Army medic, made famous in a photo taken during the first week of the U.S. invasion of Iraq. In that photo, we have seen Joseph running toward safety with an injured Iraqi child in his arms. It is an epic image of bravery and compassion.

When he came home, Joseph struggled to fit back into civilian life. He suffered from PTSD and, tragically, earlier this year, he died of what police are treating as an accidental drug overdose. That photo of Joseph Dwyer captured the incredible work our troops are doing every single day. But, sadly, Joseph's story is also now an example of what far too many veterans face when they come home. The photo of Joseph was taken during the first week of this war. Now, more than 5 years later, we ought to have the resources in place to treat the psychological wounds of war as well as we do the physical ones. But we don't.

I ask my colleagues to put themselves in the shoes of a parent or spouse who has lost a child, a husband or a wife, or someone they know to suicide. I want them to think of all the questions they might be asking. We might not be able to provide all the answers, but we should at least be able to say we are doing everything we can to address the problem.

We know there are many dedicated, hard-working VA employees who spend countless hours providing our vets with the best treatment possible. We also have to recognize the system is still unprepared today for the influx of veterans coming home. As I have told my colleagues before, a recent RAND study shows that one in four veterans is struggling with PTSD. It is the duty of the VA and of a grateful nation to be prepared to care for their unique wounds. In order to do that, we need strong leadership and attention to detail in Washington, DC, in Spokane, WA, and everywhere in between.

At the end of day, this is not about bureaucracy. It is not about protecting turf. It is about saving lives. I am glad the administration plans to increase its outreach. It is a pilot program. It is only a small step. We have to make this a national priority to address this tragedy.

The administration has to back up its efforts by reaching out to our servicemembers, veterans, and their families. We have to break down the barriers that prevent our servicemembers and veterans from seeking and getting mental health care, and we have to provide adequate resources.

No matter how anyone feels about this war, our troops are heroes. They have done everything we have asked of them—and more. It is time our commitment measured up to theirs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to express my sincere concern about the manner in which this body is considering energy-related legislation.

My constituents are interested in meaningful policy that will address the extremely high energy costs they are facing today. They know that in order to deliver real results, we must develop legislation designed to address the entire problem—supply, demand, and market oversight.

They are not interested in why one policy proposal is more worthy than another and therefore should be addressed before the other necessary elements of the solution, which is no doubt the debate we will be having today. We need to deal with increased supply from both traditional energy sources and next-generation sources, improve conservation of resources, and ensure greater market transparency and oversight.

I recognize that for meaningful, comprehensive legislation to pass, both Democrats and Republicans are going to need to work together, which means everyone will not get everything they want, and we will all have to accept a few things that do not necessarily appeal to our interests. But that is what it takes to forge a workable compromise. Democrats and Republicans need to come together and determine what we can agree to, rather than bringing legislation to the floor of the Senate that, frankly, is designed to offend one side or the other.

For this reason, I have sought to work with my colleagues on the other side of the aisle, and have found that many within this body want to develop a bipartisan proposal that will yield real results. Unfortunately, the bill before the Senate today seems more intended to divide the Senate rather than unite us in an effort to develop a meaningful solution.

As ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry—the committee with jurisdiction over commodity futures trading—I have an obligation to ensure that legislation dealing with such matters is appropriately analyzed. Unfortunately, the committee of expertise did not have an opportunity to review this legislation before it was brought to the Senate floor, and for that reason many problems exist within this language.

When dealing with issues of such complexity, we cannot afford to ignore the potential unintended consequences that will surely result from this approach. What if we are wrong and we actually drive up the price of crude oil? What if we miscalculate the true burden we are placing on the over-the-counter market and such activities migrate to foreign markets? What if we reduce liquidity in the market so much that our physical market participants have limited hedging opportunities?

As I said, this issue is extremely complicated, and the factual data is lacking, which, unfortunately, allows everyone to paint the picture convenient for their own cause. I am sure you all have heard conflicting reports. For example, some claim that in recent years noncommercial participation, or speculation, in the oil markets has not changed when compared to the proportion of commercial participation by those who actually have a stake in the physical commodity, while others say that speculation in the oil markets has increased from 37 percent to 70 percent in recent years.

This is quite a discrepancy in the facts. The truth is that neither of these claims is proven completely accurate. Why? Because the category used to determine commercial participation includes swap dealers who actually trade on behalf of both commercial operators as well as speculators, and we simply do not have the data to verify which claim is accurate.

The Commodity Futures Trading Commission is now in the process of getting more segregated data from these swaps dealers to determine how much activity is truly speculative in nature. But data separated out in this manner is currently not available. We simply do not know yet how speculation participation may or may not have increased compared to participation by those we would consider physical market stakeholders.

I only mention this as an example of conflicting data upon which some of those proposed policy changes are predicated. I am not claiming that one side or the other is correct. But I do believe we need to have accurate data before we seek to make major modifications in the manner in which these futures markets operate.

I want to be perfectly clear about this: I am not opposed to all aspects of the bill before the Senate today. In fact, I believe many of the components designed to yield more transparency in

these markets are necessary and that they could be improved upon and enacted. We must ensure that the information both the regulators and Congress use to ensure proper oversight is accurate to warrant our actions.

However, this language goes far beyond what I consider reasonable, especially absent factually based data to support such radical changes and a thorough review of the potential unintended consequences. I truly believe that a reasonable market oversight component could be developed as part of a bipartisan, comprehensive package, but, unfortunately, this approach is only distracting us from developing more reasonable and balanced legislation.

I have in hand a letter from the U.S. Department of the Treasury, among others, dated July 21, 2008. It is a letter from what is referred to as the President's Working Group on Financial Markets. It is a group made up of the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, the Chairman of the Board of Governors of the Federal Reserve System, and the Acting Chairman of the Commodity Futures Trading Commission.

We requested that group—which is the group that is viewed in this town as the most expert group on issues related to the financial markets—we asked them to take a look at S. 3268, the bill before the Senate now, seeking to put more restrictions on speculators in the oil commodities market, and to see what they thought about the particular bill—not the issue of speculation, but the bill itself.

First of all, Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2008.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: In response to your July 16 letter, we are providing the views of the President's Working Group on Financial Markets (PWG) concerning S. 3268—legislation addressing regulation of the U.S. energy futures markets.

The PWG is concerned that high commodity prices, including record oil prices, are putting a considerable strain on American families and businesses. Proper regulation of the energy futures markets is necessary to ensure that prices reflect economic factors, rather than manipulative forces. To this end, the PWG worked with Congress to enact, as part of this year's Farm Bill reauthorization, additional regulatory authorities for the CFTC to regulate certain over-the-counter (OTC) energy transactions on electronic exchanges. The PWG also supports the recent steps taken by the CFTC to improve the oversight and transparency of the energy futures markets.

The PWG agencies also are participating in an Interagency Task Force on Commodity Markets that will provide a staff report on the role of economic fundamentals and speculation in the commodity markets in the near future. If this staff report or the analysis of other data the CFTC has recently collected from commodity market participants suggests that changes to futures market regulation are necessary, the PWG stands ready to assist lawmakers in crafting such modifications.

However, the PWG believes that bill S. 3268, as introduced, would significantly harm U.S. energy markets without evidence that it would lower crude oil prices. Among its several provisions, it would require the CFTC to define and promote ''legitimate'' trading and significantly curtail other types of trading in the futures, OTC and overseas markets. Such unprecedented restrictions on market participation could reduce market liquidity, hinder the price discovery process, and limit the ability of market participants to manage and transfer risk. Provisions in the bill also may harm U.S. competitiveness by driving some trading to overseas markets or to more opaque trading systems at a time when policymakers are trying to encourage greater transparency. Should this legislation become law, the chances of significant unintended consequences in the markets would be high.

This legislation would regulate for the first time certain OTC transactions similarly to on-exchange transactions. It has been the long-held view of the PWG that bilateral, OTC derivatives transactions do not require the same degree of regulatory oversight as exchange-traded instruments because they do not raise the investor protection and manipulation concerns associated with exchange-traded instruments. Regulating these OTC instruments could prove costly and difficult to administer by both regulators and the industry given the size and nature of the market, might not provide meaningful regulatory data, and could negatively affect the ability of U.S. firms and markets to compete globally in these types of transactions.

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of the energy markets.

We look forward to working with Congress on these important energy market issues and appreciate your seeking our views.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.
BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.
CHRISTOPHER COX,
Chairman, Securities and Exchange Commission.
WALTER L. LUKKEN,
Acting Chairman, Commodity Futures Trading Commission.

Mr. CHAMBLISS. I want to take a minute to read a couple of statements in the letter. The PWG refers to the bill, talks a little bit about what it will do, and then it says:

. . . the PWG believes that [the] bill S. 3268, as introduced, would significantly harm U.S. energy markets without evidence that it would lower crude oil prices.

It goes on to say:

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of the energy markets.

This mirrors exactly my concern about this particular piece of legislation. If we have a knee-jerk reaction to the issue of speculation in the markets, and we are wrong, what we are going to do is we are not only going to destroy the energy markets in this country, but we are going to take those legitimate operators, those legitimate investors in the energy markets, and we are going to drive them overseas. We are going to have no control whatsoever over their buying and selling of contracts, whether it be oil, and the next thing we know it will be other food products that are dealt with in the commodity world on a daily basis.

So I think we need to listen to the experts. We need to make sure we take the time to develop the right kind of policy, with the right kind of expert information, having input into the legislation, whatever it may be. At the right time, let's have a bill on the floor that encompasses not only the energy markets themselves and any type of additional restrictions or regulations we need to put there, particularly from a transparency standpoint, but also we need to deal with the overall issues of additional domestic exploration. We need to deal with the issue of conservation, whether it be through lessening the use of gasoline, diesel, or whatever.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CHAMBLISS. Plus, we need to make sure we are developing the right kinds of incentives in the automobile industry, as well as for consumers to encourage the manufacture and purchase of vehicles that are operated by alternative methods, whether it is electricity or natural gas, or whatever it may be.

So I urge we move cautiously, we not react too quickly, and we be very careful in our approach to this issue and the bill that is on the floor today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise today to discuss an issue that is in the forefront of every American's mind. Americans nationwide are struggling with high gas prices. I attended a press conference the other day with people who administer programs that provide for the poor, they talked about how the poor are being disproportionately affected by high fuel prices. The part of the American population being most severely affected is those who operate on the margins, such as our poor, such as small business people, who traditionally contribute a huge amount to our economy. Many times they do not have the ability to store their resources for when the economy turns

down, so these small businesses, and these poor Americans, are being impacted disproportionately.

Higher gas prices not only affect our ability to get around, but increasingly they are affecting each facet of our everyday life. Energy builds into our economy from the natural resource level right on up to the final product that goes out to the market and is utilized by the consumer.

Fuel costs are making transportation, construction, and food costs rise. Recently, oil hit $145 per barrel and, from the beltway to Middle America, $4 a gallon gas is the frightening norm.

In the face of these challenges to the American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term. Unfortunately, the legislation we are considering today would do little to change that.

The legislation before us today would do little if anything to reduce oil prices. Blaming investors misses the primary cause of high fuel prices: Nearly 2 years of failed congressional energy policy that has done little to increase availability of fuel resources. That is the cause, and time and time again, we have looked at legislation that tries to disrupt the market—the market that provides an opportunity for the businesses of this country to supply energy to its consumers.

This Congress has been ignoring one of the fundamental rules of economics: Supply and demand. Instituting policies that disrupt the free market does not increase supply. Worldwide supply for energy is being outpaced by a growing demand.

President Bush is doing his part by removing the Executive order that limited the drilling for oil and gas off the Outer Continental Shelf.

The majority party now wants to shift blame from this Chamber to investors, who they would have you believe are robber baron speculators. If only it were so simple. There is no nefarious fiend sitting in a dark room waxing his black mustache playing the market like a mandolin. So who is investing then? Pension funds are, for one. They are making an investment in the growing strength of energy stocks and bonds.

In Colorado, the Public Employees' Retirement Association—we refer to it as PERA—has seen oil companies as an attractive place to invest their members' money. Their 2007 investment overview listed two oil companies in their top 10 stock holdings, including their No. 1 valued stock.

Is their greater interest in investing? Sure there is. But it is primarily because short supply of oil has caused its value to increase. This would happen with any commodity in a similar situation. Conversely, when we take steps to increase supply, prices will go down.

If I remember correctly, there is a guidance principle that applies to the Public Employees' Retirement Association of Colorado that says you are going to invest members' money in that part of the stock market that is going to, in a safe way, give you the best return. Energy stocks match that criteria.

The day after President Bush lifted the Presidential moratorium on drilling on the Outer Continental Shelf, oil prices fell nearly $7 a barrel. Let me say that again. We experienced a drop of almost $7 per barrel in 24 hours because action was taken that got us closer to putting additional supply on the market. This translates into cheaper gas.

The national average price for gas yesterday was almost 5 cents less per gallon than it was before the Presidential moratorium was lifted. This shows that instead of blaming investors, we need to look for ways to increase supply. We do this by finding more sources of energy and using less.

One of the most promising sources of domestic energy is found in the West, much in my home State of Colorado. The oil shale found in Colorado, Utah, and Wyoming could yield between 800 billion to 1.8 trillion barrels of oil. This is more than the proven reserves of the entire country of Saudi Arabia and certainly enough to help drive down gas prices and bring us closer to energy independence. Making us less dependent on foreign oil. We in the United States cannot currently begin to plan how to utilize this resource because of an ill-advised moratorium.

Why aren't we taking steps to utilize this resource and cut back on the $700 billion we send overseas annually for fuel? Because the Democrats in the Senate and in the House of Representatives have prevented the Department of the Interior from even issuing the proposed regulation under which oil shale development could move forward. How do they try to correct this misguided policy? By blaming investors and proposing a piece of legislation that will potentially make things worse by increasing oil market volatility and eliminating investment opportunities.

I support some CFTC reform, such as providing them resources to improve current oversight and get more cops on the beat. I do, however, have major concerns with efforts that would impede the free market with additional regulations. This is especially important now that financial markets are global in scale. Attempts to regulate the market would only apply in the United States. This could cause economic activity to move offshore and help build foreign capital markets that compete against the United States, making us less competitive. This would cause us to lose jobs.

Instead of focusing on blame, we should be focusing on our resources, finding more domestic resources, such as oil shale and using less through conservation. We need more supply and less demand. As we move forward in this debate I hope the Senate will accept amendments, like the ones I hope to offer, that will do just that.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I rise to join the sentiments of my colleagues from Georgia and Colorado who have spoken about the importance we must place as a nation on implementing an effective and meaningful energy policy in this country as quickly as possible. The United States is far too dependent in our energy policy on petroleum, and we are far too dependent in terms of the petroleum which we utilize from foreign sources.

We need to diversify our energy policy, and we need to do it quickly. By that what I mean is that while we are seeking to become less dependent on petroleum, we must aggressively develop and produce our own sources of petroleum to help stabilize and control the increasing and spiraling cost of oil. We also need to look at alternative and renewable fuels. We need to strongly move into nuclear power. We need to work on conservation aggressively. It is estimated that as much as 30 percent of the world's consumption of energy could be reduced through effective conservation measures. That is another huge source of energy—simply not consuming.

Yet as we have all of these alternatives and options out there, we are faced today with a bill in the Senate and a process to handle this bill that severely limits our ability to evaluate and, hopefully, adopt meaningful alternatives and to establish a sensible comprehensive national energy policy.

The bill we have before us today has one item in it, and that is a regulatory change, or governance, of the futures markets, often called the speculation bill. Certainly—and I will talk about it in a moment—certainly, we can debate whether there is a need for increased regulatory support and for evaluation and oversight and management of our futures markets. I believe there is room for that, though I believe the bill that is before us is not well written. However, while we are doing so, we ought to also take this opportunity—and Americans should be glad an energy issue is on the floor of the Senate, but we ought to take this opportunity, with a bill on the floor of the Senate, to look at the other ideas about how we should achieve energy independence. The circumstances we face now threaten not only our economic security but our national security, and Americans should cry out for this Congress to take solid comprehensive action now, not to simply face one issue that arguably is not even at the core of the need for the solutions.

The Senate ought to work the way it has worked in the past. Let me give a couple of examples. Bill after bill after bill, the way this Senate has historically worked, was brought to the floor, amendments were filed, a robust debate

was held on the amendments, votes were taken on many of the amendments, and at the end of the process, after the Senate worked its will, the bill moved forward for final passage.

In 2005, when we were considering energy policy, that is exactly what happened. In the Energy Policy Act of 2005, there were 235 amendments proposed to the bill. Of that 235 amendments, after the process worked its way, 57 were adopted. There were 19 rollcall votes on amendments, and it took 10 days for the Senate to complete this action.

Last year, as the Senate considered the Energy Independence and Security Act of 2007, again, there were 331 amendments filed, 49 of which were adopted. We had 16 rollcall votes on amendments, and it took 15 days on the floor, but the Senate worked its will and the ideas of Americans from all perspectives were able to be brought forward and debated on the floor of the Senate.

What are we faced with now, as gas prices are over $4 per gallon in this country? A bill that brings forth one solution; namely, to regulate the futures markets, and then offers one other vote to the Republicans as an alternative. That is a far cry from the robust, full debate on policy this issue deserves in this Senate.

Now, those who have brought forth the bill with regard to speculation argue that with a bill dealing with speculation alone, it could reduce the price of gasoline by 20 to 50 percent. The reality is the academics and the economists state it is not speculation; instead, it is supply and demand. Warren Buffett, for example, says:

> It is not speculation, it is supply and demand. . . .We don't have excess capacity in the world anymore, and that's what you're seeing in oil prices.

Walter Lukken, the Chairman of the Commodity Futures Trading Commission—the Commission that monitors these issues—says: ''We haven't evidence that speculators are broadly driving these prices.''

The International Energy Agency states:

> There is little evidence that large investment flows into the futures market are causing an imbalance between supply and demand and are therefore contributing to high oil prices. . . .Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply-side access and investment or to implement measures to improve energy efficiency.

The Chairman of the Fed, Ben Bernanke says:

> If financial speculation were pushing prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil and petroleum products to increase as supply rose and demand fell. But, in fact, available data on oil inventories shows notable declines over the past year.

The point is the experts are making it clear to us that although we do need to aggressively improve the capacity of our country to conduct oversight and evaluation of our futures market to be sure manipulation is not occurring, the current situation is most likely not being driven by that speculation. That is exactly what the President's working group said to us in the letter that was sent to Senator CHAMBLISS today.

I will quote that again:

> To date, the President's working group—

That again is the Secretary of the Treasury, the Chairman of the Federal Reserve System, the U.S. Securities and Exchange Commission, and the Commodity Futures Trading Commission Chairmen—

> To date, the President's working group has not found evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders.

The fact is supply in the world has leveled off and some fear will begin declining and demand in the world has skyrocketed. As a result, those who invest in the futures market for oil are speculating it is going to go up. If we want to address the issue, we will address supply and demand issues.

Now, those of us who want to see the United States more aggressively engage in its own production are often told: Well, there is already 68 million acres of Federal land that is open for production. Let's force those lands to be where we produce and we would not then have to go look elsewhere.

Well, the fallacy in that argument is that 85 percent of the lower 48 Outer Continental Shelf and 83 percent of the onshore Federal, nonpark, nonwilderness lands are off limits for exploration and production, and of that 68 million acres that is talked about, not every acre the United States puts up for exploration yields oil. In fact, the percentage for onshore leases is only about 10 percent which actually ends up ultimately being productive for oil. If you go into the offshore, the success rate is a little higher—about 33 percent—and the deep water offshore is at about 20 percent.

My point is, these acreages that are being talked about that have been leased for exploration and potential production are not all going to be producing oil. In fact, the large majority of them will not produce oil. Those that are capable of successfully being put into production are aggressively being pursued. In fact, the law today requires that if they are not pursued and put into production, then the leases are lost.

So for those who want to avoid the United States getting more aggressive in its own production to say: Well, we have 68 million acres, so let's go there, are missing the point. The point is, there is a tremendous amount of oil in the U.S. reserves that we could utilize to defend and protect the security of our economy and our Nation.

Here are a couple examples: 14 billion barrels are available on the Atlantic and Pacific Outer Continental Shelf. What does that mean, 14 billion barrels? That is more than all the U.S. imports from the Persian Gulf countries for the last 15 years. If you look to the oil shale reserves, right now the United States has more than three times the oil reserves than Saudi Arabia in the States of Colorado, Utah, and Wyoming—huge amounts of reserves. When you look at the reserves we have, it is about 1.8 trillion potential recoverable barrels of shale oil, which is the equivalent to hundreds of years of supply of oil at current rates of consumption. Why should the United States continue to refuse to engage in production of our own supplies, when we can do so in ways that will protect and preserve the environment and will make it possible for us to be far less dependent on foreign sources of oil?

I don't have much more time, but I think it is important for us in the Senate to recognize we truly face a crisis, and this issue should not be dealt with in a partisan manner. There are ideas across this Chamber from across this country, by many people, that range from more production to oversight and regulation of investment markets, to conservation, to electric cars and other types of efficiencies, to a number of different ideas, many of which are very helpful and can be a part of the solution. Wind and solar and other alternative and renewable fuels need to be incentivized, but we will not get there if the debate is restricted,

If the people of this country are denied the opportunity for the Senate to engage in a robust effort to develop a comprehensive national energy policy, it is my sincere hope that, as we move forward, we will be allowed to have an open amendment process, where Senators can vote their conscience on a broad array of solutions and that we can then send a strong, powerful bill to the President and a powerful message to the market.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is an old saying that when all is said and done, in most cases, more is actually said than done. Perhaps that applies best to this debate.

Should we resolve our energy problems and make us less dependent on the Saudis, Iraqis, and Venezuelans? Of course. Are we too dependent on foreign oil? You bet. Up to 70 percent of our oil comes from outside this country. Are we addicted to oil, as President Bush has suggested? Of course. How do you deal with the addiction to oil? Well, every 10 years, our colleagues come to the floor and say let's drill more holes, bigger holes, deeper holes.

Do you know what? The debate is all about false choices. The suggestion has been made that people on this side of the Senate Chamber don't want to produce anymore. That is absurd, and they know it. That is what we insist because that is the narrative they have created for this issue. They don't want to do what needs doing, so they want to create a series of false choices.

Let me describe the issue of drilling. Drill more. Well, I support drilling

more. I worked with several others in this Chamber to open lease 181 in the Gulf of Mexico. I was one of four Senators who began that process. There is 8.3 million acres in the Gulf of Mexico that has been open for 2 years. There is no oil activity on it right now, despite the fact there are proven reserves of oil and natural gas.

This is a map of Alaska, and this is the National Petroleum Reserve Alaska, NPRA. This happens to be 23 million acres, 20 million of which aren't even leased yet. But they are all open for production. We supported that. Here is a place you can drill. There is more oil here than there is in Arctic National Wildlife Refuge, which has become the hood ornament for their argument. So why aren't we drilling in the NPRA? It is open.

Many Republicans say that Democrats don't support drilling. In my home State, we have the Bakken shale, a seam 10,000 feet down. We have 75 drilling rigs producing oil, drilling for oil in the Bakken shale, just in western North Dakota. There is similar activity in eastern Montana. A U.S. Geological Survey finished the assessment, and it is the largest contiguous assessment in the history of the lower 48 States. They released that 3 months ago at my request. There are up to 3.65 billion barrels of recoverable oil. We are drilling there right now. Don't tell me we are not for drilling. I am for more drilling. I am for much more conservation, energy efficiency, and renewable energy production. I am for all those things, but it seems to me you ought to do first things first.

We have a broken market called the oil futures market. It is a commodities market with which producers and consumers can hedge risks of a physical commodity, but it is now broken. It was created in 1936. The law that creates it has a provision called ''excess speculation,'' because they were worried about excess speculation. When Franklin Delano Roosevelt signed the bill creating the oil futures market, he warned about excess speculation. Well, here we are. The speculators have taken over this market. If you wonder if that is the case, I will show you the result of a House of Representatives investigation. In 2000, 37 percent of the trades on the oil futures market were speculators. Now in 2008, it is 71 percent. They have completely taken over that market.

To my colleagues who say ''supply and demand''—and said:

. . . I wonder, why do people think that the American people are so dumb they don't understand supply and demand?

He misunderstands. The American people aren't dumb at all. They get it. They are sick and tired of driving to the gas pump and paying these prices. They are sick and tired of seeing the price of oil double in one year, and then they look at supply and demand and realize nothing has happened in supply and demand to justify it—nothing.

I have asked the question: Will someone come to the floor of the Senate and describe to me what happened in supply and demand that justifies a doubling of the price of oil and gas in a year? They never do because they can't. The Secretary of Energy can't. The head of the Commodity Futures Trading Commission can't. Despite the fact both of them repeatedly have said what is happening with the price of oil and gas is the fundamentals of supply and demand. Oh, really? Where? Describe it to me. Nothing has happened in the fundamentals of supply and demand that justifies doubling the price in the last year. What has happened is brain dead regulators, who are supposed to be wearing the striped shirts, the referees that are supposed to call the fouls, have sat back and said: Do whatever you want to do, have a good time, have a party, a carnival.

Speculators have taken over the market. There is a very important reason to have a futures market. It is to allow legitimate hedging of risk between producers and consumers of a physical product. This market became something much different than that. The regulators have said we will issue no-action letters so we don't have that to see. We are willfully blind and deaf and don't care very much what is going on. I know they will deny that, but that is the fact.

So you have a regulatory body that doesn't regulate, a market that is broken, and then we have folks waltz in here and thumb their suspenders and say: You know, we cannot be talking about speculation because there is no speculation. We have had testimony before our committees by some pretty good people who say that as much as 20, 30, up to 40 percent of the current price is due to rampant, relentless speculation.

Let me describe it from the standpoint of Mr. Fadel Gheit. I have talked to him by phone. He testified before the committee. This is a man who worked, for 30 to 35 years, as a top energy analyst for Oppenheimer & Company. He said this last fall:

There is absolutely no shortage of oil. I am convinced that oil prices should not be a dime above $55 a barrel.

I call it the world's largest gambling hall. It's open 24/7 and totally unregulated. It is like a highway with no cops and no speed limit, and everybody is going 120 miles an hour.

So we bring a bill to the Senate that says let's establish a distinction between those who are legitimately hedging—that is trading for legitimate hedging purposes and all others. All the others will be subject to strong position limits to try to wring the speculation out of the system. It is a reasonable thing to do, in my judgment.

My colleagues come to the floor of the Senate and say: No, let's go for more drilling. That is their narrative. I say, OK, let's do drilling. How about in the National Petroleum Reserve? We set aside 23 million acres there, and only 3 million have been leased. Let's do that. In lease 181, there are 8.3 million acres available. There is plenty available if you want to do drilling. Even as we do that, how about helping us get rid of the speculation in the marketplace and restore this market to what it was intended to do. Do you choose to stand on the side, when somebody says whose side are you on? They say: Let us think about that. We are going to be on the side of the oil speculators. Really? Or I am going to be on the side of those who don't want us to become less dependent upon the Saudis. It is fine if $500 billion, $600 billion or $700 billion a year is sent outside our country in pursuit of oil. That is OK. That will not weaken our country.

We all know better than that. We don't need an overnight epiphany to understand what is happening to our country. These relentless price increases and the unbelievable dependence we have on foreign sources of oil are injuring this country. Every consumer in this country is damaged almost every day. Which airline next will declare bankruptcy or liquidate? How many trucking companies aren't in business anymore? Ask farmers what it is going to cost when they try to fill their tanks with a load of fuel. Then can you conclude this doesn't matter? You cannot conclude that. We ought to be here debating what to do. It ought to be obvious. I have said before, if you are running the high hurdles, you have to decide to jump the first hurdle in front of you. The first hurdle, it seems to me, is to address this relentless speculation and put downward pressure on gas and oil, on prices.

Let me describe what our Energy Information Administration said. They said there is no question about speculation. The only way you can conclude this is not speculation is to look at this chart and not see it. On this chart, here is the price of oil. It is kind of like a Roman candle on the Fourth of July. Here is what our Energy Information Administration told us. We spend about $100 million a year for this agency, which has the best and the brightest, to evaluate supply and demand and come up with this. I put this chart together because I want everybody to see how wrong they have been and conclude why.

Take November of last year. They said this would happen to the price of oil. Then, in January of last year, they said the line will look like this. In March of this year, they said it is going to look like this. You can go back to May of last year, a year ago. Obviously, this isn't where the price went. It went up like this. Is that because the people estimating it were stupid, maybe didn't sleep well, didn't finish school, or had no common sense? That is not why. They didn't understand this is not about supply and demand any longer.

This is about a speculative binge that is driving up the price of oil in a manner that is completely disconnected

with supply and demand. I understand we have people talking about that, and I understand the world is changing. I understand the Chinese want to drive cars and people from India want to drive automobiles. I understand there will be maybe 300 million, 400 million, to 500 million more cars on the road 10, 20, 30 years from now. I understand that. But that hasn't changed significantly in the last 12 months. There is nothing that changed with the estimate of future demands in the last 12 months that justifies this line.

That is why we bring a bill to the floor of the Senate that says let's at least agree, on a bipartisan basis, to do first things first. Then you say, well, we need to support drilling, conservation, energy efficiency, and more renewables. You bet your life—although, I would say many of those who have spoken on the other side are not quite so enthusiastic about the other side of energy that is renewables and conservation and energy efficiency.

We have many airlines in this country. Obviously, that industry is one of the heaviest users of jet fuel. We have had seven bankruptcies recently. They have said it means thousands less jobs. Normal market forces are being amplified by poorly regulated market speculation. The Nation needs to pull together to reform the oil markets and solve this growing problem. That is from the airline industry. You probably saw the newspaper yesterday—and this is not unusual—''Jet Fuel Costs Push Midwest Air to End Flights to 11 Cities.'' It is happening across the country. I would understand this if, in fact, this was a circumstance where supply and demand had changed in a radical way, and we would decide in this country that, you know what, we have to confront supply and demand. We have to do that in the longer term. But that is not what this is about.

I said earlier today, in my judgment, the drill now—and I am for drilling now, so let me be clear—the drill now mantra is a yesterday forever strategy. It is good that every 10 years they come to the floor and say the solution to our energy issues is to drill now. If yesterday forever is comfortable for you, good for you. I don't think it is a good policy. I think we need to use this circumstance at this intersection and say we are going to fundamentally change America's energy future. We can do that. John F. Kennedy didn't wake up one day and say: I am going to give a speech and say I think America is going to put a person on the Moon, or I hope that perhaps someday we can put a person on the Moon. He could have said we are going to try to see if we can get someone to walk on the Moon. That is not what he said. John F. Kennedy said:

By the end of this decade, we are going to have a man walking on the Moon.

He just declared it. That is our goal, what we are going to do. This would be an awfully important intersection for us to decide, after we take care of this excessive speculation to set the market right, that we should do a lot of things—and conservation is the cheapest and most obvious option. The other thing we ought to do is do some change. We ought to decide that in the next 10 years we are heading toward hydrogen fuel cell vehicles. Maybe between now and then, we will move quickly toward electric-drive vehicles. We are going to have a completely different future with substantial new wind energy, solar energy, and geothermal energy development. We are going to build a superhighway transmission system, just as President Dwight Eisenhower did with the interstate system. That way we can use the wind belt from Texas to North Dakota and the Sunbelt across the Southwest can displace significant portions that we currently get from fossil fuels for electricity. We can do all of that, but only if we start pulling together as a country.

I have watched this debate this afternoon. It is the most disappointing debate because we have people coming to the floor of the Senate who are the ''just say no'' crowd. Just say no. No matter the question, just say no and then develop some little narrative that allows you to say no and make people think you are saying yes.

How about this issue? The market is broken. It has resulted in the doubling of oil and gas prices in the past year, and there is no justification in fundamentals of supply and demand to make that happen. How about having us pull together and say: Let's fix the broken market and put downward pressure on oil and gas prices. Don't use something else as an excuse. When you talk about something else, I am going to say: I am with you on that; I think we ought to do a lot of everything. Don't use that as an excuse to do nothing here, but let's at least do first things first.

There is plenty of reason for the American people to be disappointed in what they hear from their Government. It is so frustrating to be here and understand what needs to be done and yet does not get done because we have people who believe they were born to be a set of human brake pads and stop everything at all times.

On a number of occasions, I have described on the floor what we have done. Think for a moment. We split the atom. We spliced genes. We cloned animals. We invented plastics. We invented radar. We invented the silicone chip. We invented the telephone, the computer, and television. We decided to build an airplane and learn to fly it. We build rockets. We walked on the Moon. We cured smallpox. We cured polio.

It is unbelievable what this country accomplishes. Yet, somehow we decide what we should do is continue a strategy of being dependent, for 60 or 70 percent of the oil we need to run America's economy, certain oil producing countries like Saudi Arabia, Kuwait, Iraq, and Venezuela. I am sorry, I think that policy is nuts.

This country needs to mobilize and pull together. This is not about Republicans or Democrats. It is about a game-changing strategy that says: Here is where we have been, and right now, we can't go there in the future. We need a different kind of energy future.

My point is just to do first things first. The first thing on the floor of the Senate is about speculation. Mr. President, 47 Members of the other side have indicated in one form or another, through one comment or another, in their home state or here in the Senate, that speculation is a part of the problem. If that is true, and I believe every Member on this side of the Chamber believes that, that ought to add up to 97 Senators. I don't know who the three others are who apparently have not voiced an opinion, but we ought to be able to pass legislation that fixes a broken futures market.

Just as quickly, we ought to be able to agree on a wide range of other issues. Yes, we should include some drilling in areas that are open and not being drilled on. We should also look more aggressively at conservation and energy efficiency and make a dramatic change to renewable energy in the longer term. We ought to be able to do that. The American people should expect that of us, and we ought to be able to meet that expectation.

I know others are going to come to speak this evening.

Just so the American people understand, we agreed to a cloture motion on a motion to proceed. That means we voted to shut off debate, not on this legislation but on whether we should proceed to the legislation. So we had that vote, and now the minority is saying to us: No, you cannot proceed to the bill; you need to speak for 30 hours.

There is a 30-hour requirement. Usually, it is waived back, but in recent times, on everything, it has been required. So now, for the next 30 hours, we will have people obfuscate; thumb their suspenders; wear blue suits on the Senate floor; and talk about this, that, and the other. We are not making progress because the minority is saying we have to spend 30 hours before we can even get to the bill of which I have been speaking. It is an unbelievable procedure. In most cases, cooperation would simply suggest that we work together. Unfortunately, there is a big, growing problem that is hurting this country. Yet if we work together and find a way to fix it, then it makes a lot of sense to me.

I am someone who is respectful of other opinions, but in this case, I think there is a mountain of evidence that should lead us to fix this market and put some downward pressure on oil and gas prices. Following that, we can, in a matter of days, it seems to me, work on a wide range of other issues that deal with all of the issues I just described. We can put America in a much better place if we decide to do that.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the Energy bill that is on the floor today. This is a great debate, it is a needed debate, and one that is happening every day across our country, in every community and at every gas station and coffee shop—as to how to get these energy prices down and what we need to do to get these energy prices down. So I am delighted we are getting the chance to talk about it on the floor.

I think people across the country are absolutely, there is no question about it, completely fed up. They are tired of it. It has hit them directly and it has hit them hard. It is making people change lifestyles or even do without essentials simply to be able to get to and from work or to and from appointments, schools, and hospitals. This is a big, huge problem that Americans are facing daily and that we need to address and that we need to solve and we need to deal with.

Unfortunately, this base bill does not go to the heart of the question. I am delighted we are having a chance to talk about it, but I wish we would go to the heart of the question of what we need to do, which is to produce more, to create more options for people across the United States, and to conserve.

A fact that I think people are recognizing, but one we don't talk nearly as much about, is the huge transfer of wealth that is taking place from this country to other places. This year alone, importing a million barrels of oil less per day in the first 5 months of this year would have reduced the year-to-date trade deficit by more than $14 billion. If we had imported a million barrels of oil less a day, we could have reduced that trade deficit by $14 billion. It would have increased our GDP and increased domestic employment and certainly had some impact on prices. That is something we don't talk about as much, but it is a big part of the equation as well.

Obviously, we need more domestic energy production. We are witnessing this massive transfer of wealth because we don't have adequate domestic energy production. Every year, to buy oil, America sends well in excess of half a trillion dollars to foreign countries. In fact, in 1972, Saudi Arabia's foreign exchange earnings were about $2.7 billion. That was in 1972. In 2006, it was over $200 billion. Clearly, we are having a huge transfer of wealth. And where is that wealth coming from? It is coming from people pulling up to gas stations and filling up their pickups; diesel fuel consumption. It is coming from the American consumer, and it should be going back into Americans' pockets instead of going overseas. So we are seeing too much of that taking place right now.

We have some options, and different people have talked about different ones, but I want to highlight several that I think are key for us to be looking at for our future in producing more. One is the oil shale regions of Wyoming, Utah, and Colorado. I have a quick picture of this. I think some people, hopefully, have seen this.

Here is an area that has been frozen out of production by law that could be brought into production. It has huge reserves in it—500 billion or more potential—and it is being held off the market. So while we transfer billions and trillions of dollars of wealth to regions of the world—and in many cases they don't like us—we are holding off production of areas in the United States that we could produce from in an environmentally sound way. We have huge reserves here, and that makes no sense to most people across my State of Kansas as to why you would do that. What is the purpose here? We can do this in an environmentally sound way. We can do it with American technology and know-how, and we need to get that done.

Another thing we need to do, particularly from my vantagepoint, coming from the Midwest, is to do more with biofuels. A recent study from Merrill Lynch found that the world's use of biofuels has kept oil prices 15 percent lower than they would be without these alternative fuels—15 percent lower. So you are looking at 60 cents a gallon of that $4 gasoline that is being held lower because we have biofuels. That is something we need to continue to do more of.

We are producing ethanol plants throughout the Midwest and throughout the country. We are moving into cellulosic ethanol, and we have the first four of those plants coming on line. It is an innovative technology of taking, in many cases, what we would refer to as agricultural waste and turning it into ethanol. That is a key part of our growing and our marketplace that we can utilize.

I think we also need to look at other fuel sources, such as methanol and biodiesel. Earlier today, a tripartisan group of my colleagues and I introduced a bill that would require 50 percent of the new cars made in the United States, or sold in the United States by 2012, to be flex-fuel vehicles. These are vehicles that you can pull up to a gas pump and put gasoline, ethanol, methanol, or any combination of those three into the car. This is a goal the big three auto manufacturers in the United States say they can achieve—50 percent by 2012—and then we up it to 80 percent 3 years later, adding a 10-percent increase of the new cars that have to have that option of the flex fuel.

Now, if you were to take that situation today, what that creates, instead of having a monopoly of dependence on oil, you have an option and a competition, which is going to reduce price. You can pull up at the pump and say: Okay, I want to put in E–85 ethanol—85 percent ethanol and 15 percent gasoline. What is the price on ethanol today? Versus: Okay, let's see what it is on gasoline versus methanol. What is it I can get here? The car or the pickup can read any of the fuels. This is a technology that is estimated to cost about $100 per car to put it in but is priceless in creating options and competition for the fuel sources in the United States.

Somebody asked me at the press conference that Senators LIEBERMAN and SALAZAR and I held on this: Well, isn't this going to hurt plug-in technology or plug-in cars? I said: It is my estimation and hope that in the future you are going to be able to buy a plug-in hybrid flex-fuel car that you plug in at night, go the 20 miles on electricity—it is a hybrid, so it recharges and uses that electricity whenever it can in the vehicle—and then it is a flex-fuel vehicle, so you can use ethanol, methanol, gasoline, or any combination thereof. That creates that competition on fuel sources, whether it is electricity, ethanol, methanol, or gasoline, and we will reduce price. These are things we need to do to move forward and get off of our reliance on foreign oil and the addiction we have to foreign oil.

We also need to innovate. I am going to show a chart here of what I thought was a very innovative project in the western part of my State that is still on the drawing boards. It has been blocked to date, but it is an integrated bioenergy center near Holcomb, KS. It was going to use coal-fired technology to produce electricity. They were going to take their CO_2 emissions and run them through an algae reactor. They were projecting they would reduce 40 percent of the CO_2 emissions, running it through the algae, and then taking the algae and making it into biodiesel. So you have this integrated center where you have this sort of biodiesel and algae reactor fuel as well associated with it because of the heat production, and the use of that and the ethanol plant where you can get these integrated systems together. At the end of the day, you reduce your CO_2 emissions, increase your fuel production, and it would be good for the economy. So you are balancing the economy, energy, and the ecology of the environment. You get the three Es balanced together and moving forward in an innovative made-in-America type of plant.

Those are the sorts of innovative solutions that we need to move forward with and to discuss in this debate so that we create a competition. We need to create options, we need to produce more supply, and by producing more supply, we are going to reduce price in this price point. And by producing

more supply in the United States, we are going to stop the transfer of wealth to the degree that we have seen taking place from the United States, out of our pocketbooks, and into, unfortunately, the pockets of our competitors, who, in many cases, don't like us.

I am the ranking member on a subcommittee that has held hearings on this particular bill, and that is the Appropriations subcommittee that funds the Commodity Futures Trading Commission. We have looked at these issues. And while we are having an important debate here—I think it is a good discussion—I think the hearings we have held have been very positive in reflecting on how much money has been coming into a number of places in the futures market. Yet if we are going to get the answer to the basic question here of trying to reduce price, the clear way is to deal with the supply-and-demand equation—increasing supply and reducing demand—and not just saying: Okay, it is all because of speculation that these prices are going up.

I do believe it would be wise for us to limit pension funds, the amount pension funds can put in the commodities market, but primarily as a feature of how you help the pension funds, because commodity markets are inherently volatile, moving wildly at various times, and it seems not to be a wise place to put large amounts of pension funds. But this bill goes far beyond that, to the point that the Kansas City Board of Trade—it is on the Missouri side of Kansas City, but a number of people working there live in Kansas—is strongly opposed to this and thinks it will hurt the commodity futures market rather than help it. You are going to hurt the price discovery mechanism, and you may well, in the long term, end up driving up prices through these features. They have been in my office previously drawing attention to outside funds coming in and saying this is something that ought to be looked at, but when they look at this answer, they are saying it is way over the top. It doesn't fit the need that we have of the day.

I wish to make the point on where we need to limit the pensions funds in the commodity futures market. As public pension funds have grown in size and expanded their investment portfolios beyond traditional equity and bond investment activities, significant losses by some major pension funds have led to greater calls for scrutiny and investigation.

For example, the San Diego County pension fund lost about half of its $175 million investment in a hedge fund when the fund crashed due to what turned out to be a disastrous bet on natural gas, getting into a commodity market. All told, approximately 20 percent of the pension fund's assets are invested in alternative strategies through hedge funds and other money managers.

That is my point here. I think the right place to look is a limitation on the total amount of monies that can be put in hedge funds, into the commodities futures markets, to protect the pension funds, rather than saying this is the silver bullet that is going to cure the increase in energy prices that we have.

Mr. President, I thank my colleagues for the chance to be able to speak on this bill. My colleague from Alaska, whose State is absolutely critical to expanding our energy supply, is here to speak further about the need for production.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity this evening to bring to light some of the comments that have been made on this floor earlier about what is happening with existing leases across the country, the oil and gas leases that exist, and whether the oil companies are sitting on these leases—whether they are producing energy. I will try to assess what we are talking about when we look at the leasing status of the oil and gas opportunities around the country.

Some have suggested that perhaps the oil and gas companies are sitting on these leases, that they are not producing energy, in an effort to drive up the prices of oil and gas. I suppose that is a creative theory but, honestly, it is one that has so many holes in it, it is like installing a screen door on a submarine. It is bound to sink.

At best, the charge is based on a review of what I consider to be incomplete data viewed through a prism of little actual knowledge of the difficulties of producing energy from any individual tract. At worst, the charge is a smokescreen to cover up the opposition to the production of more oil and natural gas from where it is likely to be found, and not necessarily from those areas where the opponents want it to be located.

Currently, of the 45 million acres onshore in the United States under oil and gas lease, about 10.5 million acres are producing energy, with the remaining 34.5 million acres not yet in production. Offshore, of the 49.3 million acres under lease, about 15.2 million acres are producing. These are statistics on which I think we are all in agreement. These are the known leases out there.

What that means is, of the Nation's current 67,700 oil and gas leases, about 30,000, or 44 percent, are producing oil and gas at this time.

I can understand how, at face value, you look at that and say that doesn't look like a very good track record, only 44 percent producing. The numbers make it seem as if there are lots of leases that the industry is simply not moving on. But I think we need to look at those leases and say: What is the situation? What are the facts on the ground?

Let's take a closer look at these inactive leases.

This is just the onshore leases. If you look at the 34.5 million acres, of those, 3.2 million acres are suspended while review problems are being worked out. You have 1.1 million acres that are tied up in the development of land use plans. You have 760,000 acres that are blocked from any development by active and ongoing court litigation. You have 645,000 acres that are waiting the completion of legally required environmental impact statements. You have about 450,000 acres that are awaiting revisions of their EISs after reviews, and you have 500,000 acres that are tied up in the production-permitting process.

Walking through the numbers, when we are talking about inactive, what does ''inactive'' mean? If you look at the status of many of these, you see there are a multitude of reasons they are not producing: litigation, permitting process, land use plans, other acreage is on hold until companies can find and lease drilling rigs, and then all of the other exploratory equipment that they need to go into these exploratory wells. This is not an easy proposition, given the level of activity in the oil and gas patch right now.

I can tell you for a fact that it is extremely difficult to get the drilling rigs, the exploratory rigs, that we need, and there is a wait for those. Even more acres already have been explored, but they are awaiting confirmatory or additional exploratory wells to determine whether the hydrocarbon find is large enough to be economical to produce. Just because you find a little bit doesn't mean that it is going to be economical to produce. You have other tracts that are waiting for infrastructure to be built to get their oil or gas to market.

You have heard me say on the Senate floor many times, we have incredible natural gas supplies on the North Slope, all in the northern part of Alaska, but we do not have the infrastructure to get that gas to market.

In other cases, complex coordination is needed among a host of differing lease holders to determine the future for new energy provinces that haven't yet been finished. Then, of course, you have some of the tracts that have either demonstrated very disappointing initial shows of the hydrocarbons or they are just too small to be economically produced without production from nearby tracts that have more oil.

The overwhelming number of the tracts, the lease tracts that exist out there, simply do not hold any hydrocarbons that anyone has been able to find. Companies may not yet have had enough time to return them to the Government. I have had conversations with some who, it seems, believe that because an oil company has paid good money for a lease there must be oil and gas there. The truth is, while some of these prelease reviews of the tracts are conducted so some of the companies are not exactly bidding blind, the level of presale review is not sufficient for

the companies to have a clear vision of whether there is going to be sufficient oil and gas to be found there. About two-thirds of the time it is not, it is not sufficient, and the companies drill their infamous dry wells.

As you can see, it is not simply as easy as saying there are 34 million acres that are not producing oil. The examples I have given you are as they relate to onshore. The same is true for offshore exploration. We have to recognize that production just doesn't start once the lease bid has been won. We certainly know that in Alaska. The complication of lawsuits, the regulatory compliance, the current shortages we are seeing of labor, of equipment, of infrastructure—they are ignored by charges of energy lease warehousing.

Sometimes when you think about all that goes into exploration and development, it is a wonder—at least it is a wonder to me—that of the 7,700 new leases that have been issued in 2007, we have about 1,800 that have yet to be explored. The industry has obtained drilling permits for the first 5,300 of them. I look at that and say it looks as if they are doing pretty well. But it normally takes longer than a year to start the exploration. The norm is about a 2- to 5-year time period to get through the planning, get through the redtape, before you actually determine whether you have oil.

Alaska is different. As you know, our resources, our reservoirs, are quite extensive. We have been producing oil from Alaska's North Slope for the last 30 years and, in my opinion, doing a fine job of it. But we recognize that exploration and development in the Arctic is that much more challenging; it is that much more complicated. The timeframes are that much longer. It takes us about 6 to 7 years at a minimum to get to the point where we are able to determine whether there is oil to be had there.

In addition to the delays that I have mentioned, the permitting, for instance, and just the equipment issues, is the requirement that we have in place that ice roads be used to locate the drilling rigs. You just can't take your drilling rig and plunk it out there on the tundra. We have very firm and set requirements for how that exploratory activity can take place, when it can take place. The companies have to wait until the tundra is frozen. They have to wait until it is frozen before they can move the rigs to the sites. It is an extremely limited exploratory season. When you have a limited season like this, it can add years to the timetable for exploration.

I had asked our DEC, our Department of Environmental Conservation, which is the State department that makes the determination as to when the companies can actually go out onto the tundra and engage in any exploratory work out there. For the 2007–2008 exploration season, the timeframe in Alaska was December to May. This includes the time that it takes to move the equipment to the site.

Just to give an example of what we are talking about, it depends on where you are going. It is not just the beginning of December to the end of May. In the e-mail that we received from DEC, it says ''oil companies can begin regular travel across the tundra along the coast on December 28. In the upper foothills you cannot begin until January 24, and in the eastern and lower foothills''—this is where most of the activity has occurred—''you can commence on January 16 of 2008.''

They have about 4 months to do their work. They have to be off the tundra in the upper foothills on May 13, and out of everywhere else on May 16.

This is how precise it is. It is not because we are looking at a calendar, and there is some magic day. It depends on what is happening with the season, how cold it is. The rules are—and I am quoting:

> The companies can't get onto the tundra until the ground is a negative 5 degrees centigrade, 30 centimeters down—
>
> About a foot—
>
> and until there is 9 inches of snowcover to protect the vegetation.

For all those who are saying you can't do this exploration in Alaska because we do not care about our environment, let me tell you we have been caring about our environment for a long time. We put these parameters in place because we do care about the ecosystem. We do care about the condition of the tundra. We do want you to have an ice bridge that you move this heavy equipment across during the winter months and that is removed right after you have done the exploration. Then when the spring comes, and the summer, and the thaw happens, there is no mark to the tundra because your road has melted. We leave no impact.

But when you think about how you do business in any other field—if you are a construction company, you know what your construction season is. If you are a fisherman, you know what your fishing season is. The oil and gas industry in Alaska, they know that their exploratory season is very limited. Essentially we are talking about 60 to 90 days a year.

In the National Petroleum Reserve—I will put up the map just so people can understand what we are talking about in terms of the geography. This is the ANWR area. This is State lands. This is our Trans-Alaska Pipeline, which is carrying the existing oil from the Prudhoe Bay fields down to the southern part of the State. This is the National Petroleum Reserve.

In the NPRA, waiting for these frozen conditions to allow for exploration again means that the companies have between 60 to 90 days during which actual drilling can take place. The leases on the North Slope, then—put it in context—are available for drilling activity between somewhere about 15 percent to 25 percent of the year.

You put that in context with most any other industry and you would say you can't just operate only 15 percent of the year. Your costs must be incredible. Yes, costs are incredible up there. A single drill rig can only drill at most two exploration wells per year, and part of this is just how we move the equipment. The ice for making the roads, the weather issues, the fuel, and the logistics—all these account for about 75 percent of the costs for exploration. The actual drilling actually accounts for about 25 percent of the costs.

For all of these various reasons, in the NPRA, the oil and gas industry has only been able to drill 28 exploratory wells since the year 2000.

This is out of the hundreds of leased tracts. So far, the area in which they have found some prospective tracts is in the Greater Mooses Tooth Unit, but unfortunately, given how far these small amounts of oil are from the existing nearest infrastructure, which is the Alpine Oilfield, production is anticipated to still be quite far away.

Again, to put it in context, this red line here is our existing pipeline going down to Valdez, but you have pipeline infrastructure up here on the coast. The Alpine field extends to here, and the Mooses Tooth area is right in this region here. But it is 80 to 100 miles to connect from some of these more prospective finds to the existing infrastructure. On the other hand, it is about 25 miles between the end of the pipeline here and the 1002 area in ANWR where we are seeking to have an opportunity to explore and drill.

I think what I want to leave folks with this evening is keeping in mind that not all leases are equally prospective. We know you have some elephant finds; Prudhoe was an elephant find. We believe the ANWR will also be an elephant field. But we know that for every big find you have out there, there are just as many, if not more, dry holes. There are leases where the companies spend billions of dollars to buy, as they have this past year in the Gulf of Mexico and in the Chukchi Sea over here. There, the geology is very favorable for oil and gas discoveries. But mostly companies buy usually a minimum lease, and the cost is a couple of million dollars per tract, and they are really very marginal. Those are the leases that likely do not contain the oil and gas that are still awaiting exploration.

We look at how the oil companies are making their investment because certainly from Alaska's perspective, we want to know whether they are investing in oil and gas opportunities up north. This last year, the top 25 oil and gas companies in the United States invested $1.15 trillion on exploration and production, the top 5 companies spent $765 billion on exploration from 1992 to 2006, and in both instances industry members invested more than they earned back in profits.

Now, in part, this is because this country has not been putting its most prospective tracts for oil and gas discoveries up for lease. You have some

777 million acres of lands onshore that are off limits to oil and gas production. That is about 62 percent of the Nation's likely oil and gas potential.

To bring it back to Alaska, think of ANWR, the place where the largest onshore deposit of oil is likely to be found in America. There is a 95-percent chance that 5.7 billion barrels will be found, a 5-percent chance that there will be 16 billion barrels, and the mean estimate is about 10 billion barrels of recoverable oil. And it is off limits. It is off limits.

Offshore, 1.76 billion acres of our coastline are off limits to development. This is an area which is believed to hold approximately 80 billion barrels of oil.

So in kind of wrapping up my comments here this evening about the leases, I wish to remind folks that when they talk about the ''use it or lose it'' rationale or direction they feel we should take, they need to remember that these oil and gas leases around the country already expire after 10 years. Only in Alaska can companies seek an additional 10-year extension to bring the leases into production. This is a right we had granted companies in the Energy Policy Act of 2005, and we did it for the reasons I have outlined for you tonight, because we recognized that environmentally sound exploration was, in many cases, taking longer than 10 years. I do not think there are any of you out there who are going to suggest that, well, we do not want to do it in an environmentally sound manner. Well, if we are going to do it right and we are going to protect the environment, it might take us a little bit longer in a place such as Alaska where you are only able to explore and engage in exploratory and production activity for 15 to 25 percent of the year.

You have to ask the question, Why should companies spend money on new leases in an area where they can easily be delayed from bringing oil and gas online and then lose all of their investment through no fault of their own? Companies also have no reason to delay producing oil. Each year, they pay between $1 and $5 onshore and $6.25 and $9.50 an acre offshore to keep their leases in effect. So in order to hold their leases, they have to be paying.

Think about what they have already kind of put in place, if you will. They have purchased the lease up front, and for many of the leases, they are extremely expensive in terms of the outlays the company has to make. Then they engage in the pre-exploratory efforts.

I keep mentioning NPRA and the cost we are seeing there. It is anywhere between $50 and $100 million to drill an exploratory well in the NPRA area—$50 to $100 million to drill. And then what happens if you drill and there is nothing there? Well, you get to give it back, but you do not get anything from the Federal Treasury when you give it back. These are costs you have as a company. So there is a very powerful incentive for companies to see the development of any lease acres they believe have the potential they are looking for, a powerful incentive for companies to speed development of the 68 million acres that some argue is not being developed quickly enough.

We have a ''use it or lose it'' law in place. It is a situation of enforcing it, and we do enforce it. There is no reason, in my mind, that we need to do more in this area at this time.

I know I have gone over my time. I had hoped to be able to have a little discussion about the distinctions between the ANWR area and the NPRA area. I do not see any of my colleagues on the floor at this point in time, so with the permission of the Chair, I would like to continue, unless there is another order at hand.

The PRESIDING OFFICER. The Senator has no time limits.

Ms. MURKOWSKI. Mr. President, I wish to kind of walk people through a little bit of the distinction, if you will, with ANWR, which the American public has heard an awful lot about for the past 20 years as we have, in our effort, attempted to open this 1002 area that was set aside for exploration and development when the refuge area was established.

ANWR consists of an area that is 19.6 million acres—the size of the State of South Carolina. This map is a little bigger and helps you put it in context. This is the entire Arctic National Wildlife Refuge in the State of Alaska. It borders against Canada. And here is our pipeline coming down. This whole Arctic National Wildlife Refuge is the size of the State of South Carolina, again, about 19.6 million acres.

Also within the Refuge is a huge wilderness area, the ANWR wilderness area. It is 10.1 million acres in the Refuge itself. Nothing can happen in the wilderness area in terms of any development whatsoever. It is wilderness. We have established it as such. It will remain as such.

The area we are talking about in ANWR for development is what is known as the 1002 area, taken from the legislation itself, section 1002. What we are talking about when we ask for permission from the Congress to allow for exploration in ANWR is not permission to drill in the Refuge, not permission to explore in the wilderness, but permission to explore in the area that was set aside by Congress for the purpose of exploration and development in this 1002 area; it is 1.5 million acres in this area.

But we are not seeking to do all of the 1002 area with exploratory wells; we are asking for permission to drill in an area that would be about a 2,000-acre area. So when you kind of winnow down what we are talking about, it is really pretty minimal in context of the whole. If you take into account that the Refuge area is the size of South Carolina, this is the area we are looking to explore. And within that area, we have agreed we do not think we need more than 2,000 acres of area for disturbance.

Why do we think we can get by with that small amount? It is simply because we have advanced our technologies so far when it comes to oil and gas development in the Arctic, the technologies that allow us to drill under the surface and go out directionally up to almost 8 miles in every direction. The caribou are on top, and they do not know what is going on. You do not have disturbance to the surface. It is our technology that will allow us to extract a resource and utilize the resource and still allow for the care of the environment, for the animals that are there, for the caribou that migrate through. We want to do it right.

So this is the ANWR area I mentioned earlier. This is the existing series of pipelines that spurred off of the Trans-Alaska Pipeline built about 30 years ago. The line extends to an area about 25 miles to the border of the 1002 area. So when we are talking about access to the resource, to the infrastructure that is there, it is not too bad, 25 miles. It is still difficult given the environment, but it is certainly doable.

Let's go over here to NPRA. NPRA is 23 million acres in size, 23 million acres total; 4.4 million acres are new acres available for leasing, 3.94 of which are available immediately. These are leases in the northeast and the northwest part of NPRA. If you look at this map, it has the leases themselves. These are in the green area. The 2006 leases are in this area here, and then the new leases that are coming on are in the northeast and the northwest area of NPRA.

The crosshatched areas we see here have been put off; in other words, we have deferred these areas. This area here north of Teshekpuk Lake is now protected, 430,000 acres in this area. We have agreed to this deferral because we recognize the sensitivity of the ecosystem, the waterfowl that come through there. It is an area that we recognize should be off limits. NPRA, in terms of its prospects, the estimate is 5.9 to 13.2 billion barrels of technically recoverable oil. So the mean there is about 9.3. It is right in the same ballpark as ANWR. If you recall, I said ANWR had a mean estimate of about 10 billion barrels of oil. So it is about the same. The difference is access to the infrastructure and the geography.

Go back to this other map. If you have 10 billion barrels estimated in this small area and you have 10 billion barrels estimated in this larger area, we are talking about 1.5 million acres versus 23 million acres. It doesn't take a math genius to figure out that it is more concentrated in ANWR; 15 times more oil per acre in ANWR than NPRA. That is worth repeating: 15 times more oil per acre in ANWR than you would anticipate in the NPRA.

The other issue is access to the infrastructure. When you are looking at 25

miles from the end of the pipeline here to get to the 1002 area and recognize that you have opportunities through directional drilling so you can minimize impact to the surface, that is not too bad of a stretch. But when you are looking at your more lucrative finds in these areas, looking at, say, 150 to 200 miles of pipeline to get your resource into infrastructure, it is extremely difficult to reckon with that. That has been one of the issues we have faced. BLM is proceeding expeditiously. They have been working to advance the leasing program in the NPRA area.

It is interesting because it seems that some in the House and the Senate have just discovered NPRA. They say, well, you have all these wonderful leases over there and you have all this great opportunity. You should make that happen. It certainly does sound easy. I would like to do more to make it happen. But when you are dealing with geography, as we are, when you are dealing with environmental issues, when you are dealing with a lack of infrastructure, when you are dealing with a limited exploratory season and the extremely high cost, it is not so easy to make it happen.

Back in the 1940s, when NPRA first started leasing, 36 test wells were drilled, 45 shallow cores were drilled to find commercial oil and gas. But they didn't find any. In the 1980s, there were 28 more test wells. Seismic was conducted. In 2000, in the leasing period then, we saw 28 exploratory wells drilled and at least 12 3–D seismic efforts had been conducted, shooting the 3–D seismic in the area. But again, the only small finds that we have come upon have been in the Greater Mooses Tooth area. The problem is, to this point in time, we haven't found enough in these areas to justify a pipeline that would be 80 miles, 100 miles to connect up. That is a harsh reality. It is going to take realistically 6 to 7 years to bring NPRA tracts into production. Compare this with the 2 to 5 years in the lower 48. It takes that much longer. Compare the cost we face for exploration in NPRA. You are looking at wells that are costing somewhere between $50 and $100 million to do a single exploration well. This is compared to wells that can cost 6 to 10 times less in the lower 48.

I don't want to make excuses for Alaska, because we want to develop more. We are ready to develop more. But we recognize it does take longer for the multitude of reasons I have mentioned.

One of the things that perhaps has not been talked about and I might not have mentioned in my earlier comments when I was speaking about leases is the number of leases we actually see turned back by the companies. About 700,000 acres of awarded leases since 2000, in the NPRA area, have been turned back. If you look at this map—and I know on the screen you won't be able to see the squares—in these areas, in these areas, in these areas, in these areas, about 700,000 acres have been returned by Conoco-Phillips. This is the company that has the most experience in the area. They have already given up on 267 lease tracts in the preserves. They may well end up turning back another 407 tracts covering 2.8 million acres by the end of this year. What they are finding is a lot of natural gas, but the oil potential seems to have dimmed in areas where they are looking.

As I said, we have a lot of natural gas up there, but we don't have the infrastructure. We are working on that. The State of Alaska is working diligently. Our legislature is actually meeting in about an hour to take a significant vote on how we move forward with construction of a gas line. Again, the potential for NPRA is certainly there. We believe it is very viable. I mentioned the mean estimate of about 10 billion barrels. But the seismic evidence we are getting back seems to indicate that the likelihood for oil is diminishing, and we are seeing greater gas.

One of the things we also recognize is that the area that is viewed most prospective around Teshekpuk Lake here is the area that has been deferred from leasing for at least a decade. This was the outcome of lawsuits by environmental groups that had opposed the development in this key habitat area for waterfowl, the black brant. Our reality is that as good as NPRA is and as much as we want to see NPRA developed, it is less prospective than the Arctic Coastal Plain to the east; again, 15 times more oil forecast to be discovered per acre in ANWR than in NPRA.

I have had an opportunity this evening to give a little bit of perspective about what is available up in the Arctic in Alaska, what we would like to be able to provide. But I am also trying to leave my colleagues with a sense of the pragmatism, the reality that comes with oil exploration and production, not only in the Arctic, where it is challenging and very difficult, but in the rest of the country. When we say we have these leases that are in play and the companies have chosen not to produce, it is only right that we look more closely at these inactive leases and ask: What is the delay? What is the problem? Is it litigation? Is it some kind of a land use plan delaying it? Where are they in that process? But to suggest that because we are not seeing actual production here and now, that somehow or other we are not trying hard enough, ignores the reality of the complications the industry faces on a daily basis.

We want to do more. We want to find more, use less, as we have all been saying. But I think it is important that we recognize as we attempt to find more, we have to be realistic in terms of our expectations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to speak today on the legislation that is pending before the Senate, the Stop Excessive Energy Speculation Act of 2008. I believe it does represent a significant action that Congress can take right now to help reclaim our energy markets, to ensure the prices that Americans pay at the pump truly reflect supply and demand dynamics and not the additional, backbreaking costs added to a barrel of oil as a result of market manipulation and rampant speculation.

I do not come late or lightly to the issue of speculation. I have worked closely with Senators FEINSTEIN, LEVIN, and CANTWELL, and I could not commend their leadership enough as we have worked to enhance transparency in our energy markets for more than 2 years. We have successfully collaborated to close the enron loophole through an amendment to the farm bill, which Senator FEINSTEIN and I spearheaded. And I am particularly pleased that this legislation incorporates components of legislation I introduced with Senator CANTWELL, which would significantly enhance regulations on foreign markets that trade U.S. energy assets.

Now, I understand there is a great deal of discussion, debate, and even dispute about the process surrounding this legislation. Let me say, having returned to maine almost every weekend, having spoken to countless Mainers and Americans from all walks of life who are literally frightened and desperate because they do not know how they are going to fill their gas tanks, how they are going to heat their homes this coming winter, how they are going to even survive this winter. and the only thing they care about is results.

It is the beginning of the process, as it should be, to debate a larger question on energy policy. Obviously, this is not the end-all and be-all, but it is a beginning of the legislative process that must start. We must move forward on this legislation. It is not mutually exclusive with considering a far more comprehensive package. In fact, I would say that it must not be mutually exclusive. This body must debate and consider additional measures as a wide ranging package, in my view, that addresses the additional pressing energy issues that will both move our country toward self-sufficiency in the short term as well as, of course, in the long term.

Again, I believe acting on speculation as well as our long-term energy strategy must not be mutually exclusive. The fact is, we can and should enact this speculation measure and then move immediately to energy legislation. If that means spending every

minute of the remaining days of this session on energy legislation, then that is what we must do. The issue is not a matter of time but political will.

For the moment, with respect to the legislation before us, this bill today does begin the process of enhancing the transparency of our energy markets. It should be debated, amended, and improved. I do not agree with every provision in the legislation, but I do think it moves the process forward. After all, Congress has had more than 40 hearings on speculation. While I strongly support the intent of this legislation, and believe it would be a vast improvement over the current regulatory structure, I think we can agree we should utilize our collective knowledge and insight of energy experts to further enhance this pending legislation.

With the price of oil up $11 one day and down $8 the next, with testimony and studies indicating that speculation is contributing as much as $25, if not $60, a barrel, there is no question that swift, decisive action of this kind is required. In fact, last month, during a Senate Commerce Committee hearing, chaired by Senator CANTWELL, Professor Michael Greenberger, the CFTC's former Director of Trading and Markets, testified that foreign trading of U.S. commodities is increasing energy prices that Americans are paying, and, worse, the regulation of foreign markets is inferior to U.S. standards.

Americans have a right to know what is occurring in these markets, that trade commodities can be costly and wreak financial havoc on them. The Government Accountability Office study, which I requested nearly 3 years ago, demonstrated just how futures markets play a key role in price discovery but that these markets require three fundamental criteria: first, current information about supply and demand; secondly, a large number of participants; and, third, transparency. It is transparency that is conspicuously missing from these markets today, especially with regard to foreign markets that trade U.S. commodities.

Unequivocally, if U.S. commodities are being traded overseas, then the foreign market must incorporate the core principles established by the Commodity Futures Trading Commission for the New York Mercantile Exchange, including position limits and accountability, emergency authority, and daily publication of trading information.

The absence of these principles along with a lack of transparency could foster corruption and a gaming of the system in these markets, as we witnessed with Amaranth and Enron. There are traders active on the New York Mercantile Exchange as well as the ICE Exchange in London who are buying the same U.S. West Texas Intermediate oil on both exchanges. How does that happen?

Well, I ask my colleagues, what is the effectiveness of two markets if they sell the same product but one has relaxed regulations?

I posed this very question, with Senator FEINSTEIN, to the CFTC Chairman in a letter 2 months ago. The Acting Chairman responded that even if the CFTC instructed a trader to reduce the size of his NYMEX West Texas Intermediate position, nothing under the Commodity Exchange Act or the Commission's regulations would prevent that trader from establishing a similar position for West Texas Intermediate on the ICE London Exchange. What good are regulations if you can simply sidestep them and move to another exchange?

To its credit, the CFTC has since reversed its position after Senator CANTWELL and I pressed the Acting Chairman by introducing legislation. The CFTC has now moved forward to establish position limits for U.S. traders making transactions on U.S. commodities on foreign exchanges.

I am pleased the legislation before us today would codify this CFTC rule for all foreign exchanges. However, at the same time, we should heed Professor Greenberger's admonition and regulate futures markets which are physically located in a foreign country but that operate in the United States and trade U.S. commodities—exactly like NYMEX.

This stipulation is exactly what Senator CANTWELL's and my legislation would accomplish by requiring that these foreign markets, which trade a third of all the contracts for America's West Texas Intermediate, be subject to the 18 core principles established by the CFTC. Only when foreign markets adhere to these principles will we be able to ensure our energy futures markets are secure and not susceptible to manipulation. With that said, this legislation significantly improves the regulations for foreign trading of U.S. commodities, and I will be supporting this package because of this basic provision.

This brings me to the larger point I want to convey to this Chamber today. This bill is indeed a step in the right direction. But the problem is, instead of steps, America should be making giant strides. Instead of adding yet another year to 30 years of a failed, piecemeal approach to energy policy, we should be developing a bipartisan consensus, one committed to landmark, comprehensive energy legislation. As a result, I call on my colleagues to join to move forward with other policies that could be implemented now that will make a difference for our constituents struggling with inordinate prices when it comes to energy.

In a world in which gasoline at the pump costs $4.10 per gallon, according to AAA—obviously, prices vary across the country—and the price of oil is still approximately $130 per barrel and could easily spike depending on the day, or the events, where the Consumer Federation of America estimates that the amount spent annually by American households on energy in the last 6 years soared from approximately $2,600 to an astonishing $5,300, where the United States is sending as much as $700 billion overseas this year for oil—the largest transfer of wealth in human history—and where energy costs are boosting the price of groceries and transportation, commuting, plane fares—arguably every aspect of our daily lives—I ask my colleagues, in the area of energy policy, can we not pass a speculation bill that then leads to consideration of a larger energy measure?

I think of the taxpayer who could use a $300 tax credit to purchase a high-efficiency oil furnace, which would save $430 annually, according to calculations based on Department of Energy data and recent home heating oil prices. But what did we do? We allowed the tax credit to expire—and to date, there are no Federal incentives for homeowners to save money and for our country to reduce energy demand.

I think of our Nation's vast reservoir of renewable resources that is available to us yet lies virtually dormant. As this chart highlights, our entire country has access to significant wind that may be developed into electricity. On May 12, the Department of Energy, in a groundbreaking report, stated that wind energy alone could produce up to 20 percent of our Nation's electricity—20 percent.

If you look at the map of the United States, you see the potential for wind energy. In my State alone, we have $1.5 billion pending for investments awaiting the outcome of whether we are going to extend the tax credits for renewables.

But what has Congress done? Increased uncertainty for renewable energy companies by not extending incentives that are scheduled to expire this year, causing a precipitous decline in investment. Projects currently underway may soon be mothballed. We have already seen this occur, when our renewable production tax credit expired in the past, as indicated by this chart.

Looking at these years, in 2000, 2002, and 2004, the production tax credit expired, and there was a pronounced downturn in electricity production from a clean American resource.

If you look at this chart, you can see the vast difference in what we did in 2007, when there was a bill. When the production tax credit was available, we saw the investments being made. You see the red arrow going down shows where we did not have it, and it had a significant and marked impact in lessening the investment and causing the underwriting of investments to fail. That is unfortunate because clearly the Federal Government and the Congress have a role to play when it comes to spurring incentives and investments in alternatives, and certainly this is the case with the production tax credit.

Seven months ago, we could have begun to put more than 100,000 Americans to work with an extension of clean energy production tax credits, if

we had passed these incentives as I called for in the stimulus package almost, what, 6 months ago now. This is evidenced by the growth in the industrial production of wind blades, turbines, fiberglass, and towers.

I recognize that wind energy cannot be produced everywhere in our country, but the manufacturers of wind infrastructure are growing throughout the country. Wind is a resource that our country could be developing right now, if we only extended the modest tax incentive.

Again, I think this chart is an illustration of the potential for wind energy across this country; as I said, including in my State, where we have $1.5 billion worth of wind power projects available, awaiting the outcome of whether the Congress is going to extend the tax credits for renewables.

Why aren't we doing this now? I do not understand why we did not include this as part of the stimulus package 6 months ago. Certainly, this was stimulative in terms of what it could accomplish in job creation. We well know that. As I said, 100,000 jobs, so obviously the tax credits would have had an impact on the economy. It would have had an impact on job creation. It would have had an impact on energy production, investments for the future, and moving this country forward. These would have been concrete steps that would have sent the right message to those who are prepared to make the investments in alternatives, but we are fiddling while people are scrambling to figure out how they are going to make ends meet with soaring energy prices.

Here we could take up the simple act of extending what we know will be extended—that is the ridiculous nature of this whole debate, that we know we are going to be extending the tax credits. We know, so why don't we take the steps proactively and be aggressive in addressing the problems facing this country, rather than reacting, rather than stalling, rather than hesitating to take action on a critical and fundamental issue when it comes to alternative energy sources.

There are sizeable geothermal resources we could tap into right now. Last year I met with President Grimsson of Iceland who related to me how geothermal power now provides 93 percent of the heat for residential homes on his island. This achievement marked the culmination of a 30-year undertaking, the dividends of which Iceland is only now beginning to reap. Not only is the United States the greatest producer of geothermal power, as the President noted, but we also possess the world's largest potential for additional geothermal capacity, as indicated in this chart again, yet we don't have policies in place to tap this tremendous energy alternative. Again, it demonstrates our abilities and our capabilities when it comes to geothermal, yet we have not tapped into this mighty resource as an alternative. We have not taken the proactive position and actions, nor created the incentives that would encourage this as an alternative, as an investment, whether it is commercial or residential—and it could be both—yet we are not taking any action when it comes to this resource that we have in abundance across this country.

The evidence in favor of maximizing this particular resource is overwhelming. In fact, a Massachusetts Institute of Technology report published in January of 2007 provided an extensive assessment of the future of geothermal power in the United States and concluded it is possible to produce nearly 10 percent of total electricity generation by 2050 at a cost of between $600 million and $900 million, which would be extremely attractive today to the energy market. The findings posited that geothermal power can be expanded because of a new drilling technology that artificially produces the geothermal process at deep levels in the Earth's crust.

We could begin this process, but yet again, we are investing little to nothing toward the production of geothermal power, and there are currently no incentives for homeowners to develop clean, American, geothermal heating or cooling systems for their own homes. I ask the question: Why?

There are actions we in this Chamber could take right now to soften the blow being incurred already by our citizens in every region, every sector, and at every income level in this country. Why can't we move on legislation I introduced last week with Senator KERRY authorizing $1 billion in funding from 2009 to 2013 to help States design and implement a crisis response to addressing the rising cost of heating oil, natural gas, and diesel? In very short order, grants could be administered to States to help provide heating shelters for communities, as well as energy assistance and information to the elderly, to consumers, and to small businesses.

Why can't we move on legislation I joined with Senators DODD and KERRY in introducing last month, which would stipulate that if the price of home heating oil exceeded $4 per gallon this winter, the Home Heating Oil Reserve would be released on a staggered schedule throughout the winter? There are nearly 2 million barrels—2 million—currently available and going unused in the Northeast. It would be an egregious dereliction of duty for the Government to withhold this vital heating source when the health and safety of our population is at risk.

Why can't we move on legislation I have introduced which would extend energy efficiency tax credits for new homes, new commercial buildings, and home retrofits that were included in the 2005 Energy bill? These tax credits are working to make a difference right now. Since 2006, when the new homes tax credit was first put in place, 30,000 new homes have qualified for the tax credit, cutting the energy use of those homes by half. According to a Harvard School of Public Health study, 65 percent of homes are under-insulated. With 100 million homes nationwide, there is a considerable amount of savings if we would provide incentives for homeowners to make the investments in efficiency.

It is hard to believe we have yet to pass tax credits, for example, for my constituents to retrofit their homes with a wood pellet furnace, for example, which they are trying to do right now. We can't pass it here at a time when we are facing the crisis of home heating oil of more than doubling, could be close to $5. We have yet to get close to winter, so no one can predict what the cost of home heating oil will be as we approach the winter or even as we approach fall. Right now it is somewhere between $4.62 and 4.79 per gallon, depending again on where you live. These are the projections and these are what people are paying, and yet we cannot pass a tax credit for people to retrofit their homes to alternative furnaces because we are dithering once again.

It is regrettable that we can't take these simple but concrete steps that can make a difference. We could take many steps that could constitute viable actions that could truly assist this country, yet we remain timid, stagnant, and polarized. Instead of earning the public trust, we continue to lose it. It is no wonder the approval levels for Congress are now hovering around 14 percent. Some of us are working to transcend party, to reach across the aisle, to put political posturing aside for something larger than scoring a point here or a point here. I am advocating that we join forces, not out of some idea of getting something done, but because circumstances are grave and the potential peril we face is that ominous that bold cooperation is the only answer.

In a recent column entitled ''Dumb as We Wanna Be,'' Thomas Friedman said as much with regard to our unbelievable squandering of these tax credits. He said:

> Few Americans know it, but for almost a year now, Congress has been bickering over whether and how to renew the investment tax credit to stimulate investment in solar energy and the production tax credit to encourage investment in wind energy. The bickering has been so poisonous that when Congress passed the 2007 Energy bill last December, it failed to extend any stimulus for wind and solar energy production. Oil and gas kept all their credits, but those for wind and solar have been left to expire this December. I am not making this up. At a time when we should be throwing everything into clean power innovation, we are squabbling over pennies.

In my own State of Maine, the absence of an energy policy is creating a bleak picture for the future that only gets more dire as winter gets closer. Eighty percent of Maine households use heating oil to get through winter. For those of us in Maine, like all of New England and those of us in the

West, access to home heating oil is not just a matter of economic survival, it can be the difference between life and death. Last year at this time prices were at a challenging $2.70 a gallon. For the Mainer who, on average, goes through 1,000 gallons of oil, that is $2,700. The price now is $4.62, meaning it will cost those of us in Maine $4,600 to stay warm—and that is here in July. We haven't come into the fall; we are not even approaching winter. That is not even taking into account the gasoline prices. This is a looming crisis in Maine, one that requires immediate attention, not only for Maine but throughout this country.

Because of the anxious concern about the price of heating oil that is mounting in my State, because our economy continues to teeter on the brink of recession and even stagflation, and because efforts to craft an energy policy have remained mired in political machinations year after year, we can ill afford to stand idly by. That is why I, along with 15 of my colleagues—Senator BEN NELSON and I wrote a letter, and we were joined by 15 other colleagues, including Senators WICKER, GREGG, BAYH, LEVIN, COLLINS, SUNUNU, SPECTER, JOHNSON, CARDIN, COLEMAN, LIEBERMAN, DOLE, LANDRIEU, and BARRASSO, asking the President to convene an emergency summit to address what is a growing energy crisis. We recognize the status quo must change with regard to our energy paralysis, and we have to sit down and forge a bipartisan and bicameral agreement with the President. We are calling on the President to convene this emergency summit on both ends of Pennsylvania Avenue.

We ought to be able to sit down around the table, convening the bipartisan congressional leadership and other Members of both the House and Senate on committees of jurisdiction, along with industry leaders, environmental leaders, and all stakeholders, because this is a national emergency that requires urgent attention by the President and by the Congress to take immediate action.

Because families are facing painful choices on a daily basis between filling up their cars with gas or feeding their family, I have called on Congress to do everything to address every needless dollar our country spends on energy as a result of price manipulation and rampant and unchecked speculation. The bill under consideration today helps achieve that, but we have to do much more. So while I agree we must move forward with this legislation, I hope at the end of the day, at the end of this process, we will consider other measures that are so instrumental to crafting a comprehensive energy policy. The President too has a responsibility to join us in this process. We should be working individually and collectively in bringing the best minds in this country together to begin the process of addressing our energy policy based on the short term, on intermediate and long-term proposals that are so essential to eliminating our dependency on imported foreign oil once and for all. We need to develop strategic independence, and that is going to require urgent attention on our part. It requires consensus and compromise that has paved the way for landmark legislation in the past and it obviously requires crossing the political aisle to advance these historic initiatives—principles ingrained in our Constitution and keystones from our Nation's inception.

When considering the vision of the Framers and the times in which we find ourselves, I am compelled to say today that unless we in Congress depoliticize these monumental issues of our time—as we have neglected to do time and again on energy policy—unless we set aside our partisan self-interests, we risk marginalizing this institution we cherish, and we will not only have failed those who have elected us, but we will have failed the test of history. As we are witnessing every day, the stakes couldn't be higher economically, militarily, and globally.

The core challenge is—as it has always been—for this, the greatest democracy on Earth, our ability to govern ourselves. Good governance doesn't mean full agreement or comity 100 percent of the time within the walls of this venerable, deliberative body, but it does mean that we, as elected officials, have an individual and collective responsibility to make the system work, and that can only happen when we are willing to take the risk of working with each other instead of against each other. We would engender a renewed integrity to this process if we were simply to allow it to work. We should begin to make every possible effort to make it happen. If we truly accept working together, there is nothing we cannot achieve. We could realize, I think, milestone accomplishments that would be so important for this Nation at this very anxious time.

I hope this is the beginning of the process of crafting a comprehensive energy policy. It is rightfully what the American people expect and deserve from their elected officials and this institution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

WELCOME HOME SHAW

Mr. BROWN. Mr. President, in June, I had the distinct honor of joining thousands of Clevelanders at the Wolstein Center to celebrate the determination and success of The Mighty Shaw High School Marching Band. The band was preparing to travel to Beijing later that month to perform at the International Olympic Music Festival. Shaw was one of only five U.S. marching bands invited to this event, and we celebrated their achievement that night in Cleveland.

On the night of the concert, there were several thousand people in attendance. Many of them were Shaw High School alumni but just as many of them were not.

Folks traveled from all over the State of Ohio to come out and show support for the marching band, everybody dancing and singing in celebration of Shaw's accomplishment.

The celebration represented more than a sendoff of a high school marching band. It represented the collaboration of an entire community and the sheer willpower of a dedicated band and its tireless and fearless director. Donshon Wilson can be called many things: director, teacher, and mentor. But for the students and families of Shaw High School, he is also called hero.

Mr. WILSON, a Shaw marching band alum, saw the decline of his beloved band and decided to do something. Beginning in 2001, with a meager budget, he took a handful of students and turned the band into a 60-member-strong force to be reckoned with.

This year, with his unwavering faith and determination, he raised the necessary funds—more than $400,000—to send Shaw to Beijing.

Mr. WILSON had transformed a high school band from an organization that plays instruments to a group that inspires thousands of young people across Cleveland.

From performing for Senator OBAMA and Senator CLINTON in the last year, to entertaining city diners as the musicians played impromptu concerts throughout Cleveland's city streets, to representing our country in China, the Shaw marching band is an example of the best and the brightest in our community.

At that Cleveland concert in June that my wife and I attended, what was already a great celebration turned even more jubilant when Band Director Wilson announced that the money raised in the last year would not only send the band to Beijing, it would also establish a new seventh and eighth grade section of the band.

When it was announced Mr. WILSON would extend the program to now include the younger students in the Mighty Cardinals Marching Band, the crowd applauded with joy and gratefulness. They knew this had never been done before. Giving the students the proper foundation to become better musicians earlier in their lives benefits this entire community of the city of East Cleveland.

As a father of four children, I could not help but well up with pride as more than 30 boys and girls in seventh and eighth grade marched onto the arena floor to join their new band sisters and brothers in a spirited performance that brought down the house.

Because of the extraordinary work of Mr. WILSON, the Mighty Shaw High School Band, and school superintendent Myrna Loy Corley, a new generation of students will become part of the Shaw band family and Cleveland history.

Earlier this month, Shaw returned from their triumphant trip to China.

To say they were a hit is an understatement. From a spirited performance in the historic Xi'an City Plaza, to an energetic performance at the Great Wall of China, to their climactic parade and a knock-their-socks-off concert in Beijing, the Shaw High School Band represented themselves, their school, their city of East Cleveland, and this great country with honor.

In the process, based on the cheers and applause from the audiences, they won the hearts of their Chinese hosts. This summer, the people of China—and the world—came to know what so many of us already knew: The Mighty Shaw High School Marching Band is world class.

These are the band members:

Jimea Barnum, flag; Justin Bass, French horn; Jason Blade, trumpet; Samone Bey, dance team; Krystal Brooks, flag; Alona Bryson, dance team; Carlissa Chambers, dance team; Renee Dorsey, flag; Kamaria Eiland, flag; Leah Foster, cymbals; Isaiah Gardner, tenor drum; Marlon Graves, tenor drum; Rhonda Harris, cymbals; Arthur Hill, baritone horn; Simone Hurd, dance team; Kayla Jordan, dance team; Gerome Jennings, Baritone horn; Jared Lang, French horn; Derrick Le Grande, tenor drum.

Deontae Lewis, French horn; Mathew Longino, French horn; Marshae Love, dance team; Audrey Maxwell, trombone; Genesis Maxwell, cymbals; Alisha McClellan, cymbals; Robert Miller, tenor drum; Seirra Moore, trumpet; Quanee Penn, snare drum; Tony Prather, bass drum; Raymond Raye, bass drum; Sharleen Riley, flag; Chanay Robinson, trombone; Tyrel Ross, tuba; Delilah Sedrick, dance team; Natasha Shields, trumpet; Masonia Shorter-Little, trombone; Jimila Small, trumpet; Andresa Stephens, dance team; Marshell Stone, trombone.

Chavone Taylor, snare drum; Jonathan Thomas, tuba; Rory Tripp, trumpet; Donovan Vaughn, trumpet; Ericka Walker, trumpet; Denzel Watkins, snare drum; Kimille Webb, dance team; Russell West, baritone horn; Daniel Whitworth, tuba; Ciera Whitworth, trumpet; Shera Williams, trombone; Victor Williams, snare drum; Latonia Young, flag.

These young men and women are special as students, as musicians, and as citizen ambassadors. Welcome home. We are all so proud of you.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

34TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

Ms. SNOWE. Mr. President, I rise to mark a dark anniversary for the Hellenic-American community, and its Cypriot members in particular. Thirty-four years ago this week, the armed forces of Turkey violated the sovereignty and territory of the Republic of Cyprus by illegally invading and ultimately occupying its northern third.

The continued division and military occupation of Cyprus by Turkey remains a gross violation of the human rights and fundamental freedoms of all Cypriots and a blatant disregard for the rule of law. The European Court of Human Rights has repeatedly condemned Turkey for violating fundamental rights of Cypriots such as the right to life, the right to liberty and security, the right to the protection of property and the prohibition of inhuman or degrading treatment—rights we as Americans also regard as sacrosanct.

Throughout these decades of injustice, the Greek Cypriot community has sought a just resolution to the ''Cyprus Question.'' And we are certainly at a potentially historic crossroads in the effort to end this tragic division. With the February election of President Christofias and his focus on engaging the Turkish Cypriot community, the coming months may turn out to be among the most consequential in the island's long history. Certainly, for the people of the Republic of Cyprus, the illegal occupation of the north cannot come to an end soon enough.

Meeting with Cypriot Foreign Minister Markos Kyprianou in early April, I was therefore heartened to hear in detail about the progress made at President Christofias' March meeting with Mehmet Ali Talat, the leader of the Turkish Cypriot community, which resulted in the establishment of working groups on the outstanding substantive issues to be resolved between the two communities. Shortly thereafter, the two communities opened a critical border crossing on Ledra Street in the heart of Nicosia in early April. The two leaders have met twice more to review the progress of the working groups, and are scheduled to again meet at the end of this week.

These efforts only strengthen my long-held commitment to work to ensure that the United States stands by its close ally, the Republic of Cyprus, to achieve a resolution to the tragic division of the island that is fair to Greek Cypriots. As we learned from our experience with the justified rejection of the Annan Plan by Greek Cypriots in 2004—the Cyprus Question is one that can only be resolved through mutual agreement on a solution, not an imposition of one.

The magnanimity of the Greek Cypriot community in seeking a fair solution to the division of the island despite the injustices they have suffered for nearly three and a half decades was also highlighted for me in October, when I met with the Mayor-in-exile of Famagusta, Alexis Galanos, concerning the Republic's hope for the orderly resettlement of the ''ghost neighborhood'' of Varosha by its rightful inhabitants under U.N. administration, which would also open the harbor for use by both communities. Support for this plan—which the international community called for in United Nations Security Council Resolution 550 of 1984—demonstrates not only the willingness but also the wisdom of the Greek Cypriot community in seeking just and workable outcomes to seemingly intractable problems on the island. I am pleased to be working with Ambassador Andreas Kakouris of Cyprus to garner congressional support for this initiative.

Moreover, the United States should be doing its part to address one of the most devastating effects of the occupation on Cypriot-American families by providing the means for U.S. citizens with claims to property in the Turkish-occupied north of Cyprus to seek redress for the homes that have been destroyed or taken from them. The invasion by the Turkish troops in 1974 forced nearly 200,000 Greek Cypriots—nearly one-third of the Cypriot population at the time—from their homes, making them refugees in their own country. A large proportion of the properties from which the Greek Cypriot owners were expelled was unlawfully distributed to the tens of thousands of illegal settlers from Turkey. An estimated 7,000 to 10,000 U.S. citizens of Cypriot descent have claims to such properties.

That is why my colleague Senator MENENDEZ and I have introduced the American-Owned Property in Occupied Cyprus Claims Act, which would direct the U.S. Government's independent Foreign Claims Settlement Commission to receive, evaluate, and determine awards with respect to the claims of U.S. citizens and businesses that lost property as a result of Turkey's invasion and continued occupation of northern Cyprus. The bill would further grant U.S. Federal courts jurisdiction over suits by U.S. nationals against any private persons occupying or otherwise using the U.S. national's property in the Turkish-occupied portion of Cyprus. The act would expressly waive Turkey's sovereign immunity against claims brought by U.S. nationals in U.S. courts relating to property occupied by the Government of Turkey and used by Turkey in connection with a commercial activity carried out in the United States.

More than just providing redress to Cypriot-Americans who have had their ancestral homes taken from them, this legislation would uphold the larger shared values of justice and personal dignity that the citizens of both the United States and the Republic of Cyprus value so highly. It is my hope and pledge that, whatever progress is made in the current talks between the two communities on the island, the United

States will continue to stand by its close ally to ensure that fairness is not sacrificed in the interest of expediency. For it is not just the rights of the Greek Cypriot community that are at stake, but the viability of the human and civil rights that all democracies—that most enduring of Hellenic institutions—hold most dear.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thanks for the info. And thanks for asking for input. My family is seeing the pinch somewhat. We live 20 miles from Boise, and since work and shopping are in Boise, that puts us on the road a lot during the week. We have been forced to consolidate trips, which is not that bad an idea. We also drive our little car (Honda Civic) more, which, for a family of large people such as ours, is not a small problem. We do not drive my pick-up as much as we have in the past, either.

I think that it is about time we developed our own resources regardless of the impact of individual families. It is a strategic decision since the world's oil reserves are being used at an ever-increasing rate because of the growth of the economies of different countries around the world. The U.S. is not the only consumer any more, and we have to live with that. So, drilling in ANWR, off the coast and developing oil shale is a good thing, especially since we have proven that we can do it with very little impact on the environment (as is the case of the Trans-Alaska Pipeline). Of course, we can expect accidents, but we have to deal with that if it happens and engineer a plan for that contingency to prevent it from happening.

I think solar power is something we really have to look at. Why not require that every new house built have solar collectors on the roof. This will do a number of things:

It will create a new industry which will create a fertile environment for R&D, which will, in turn, improve the efficiency and branch into new areas where solar power can be used that have not been considered yet.

It will use a resource that is not being utilized because of inefficiency. But, regardless of how inefficient our use is, if we do not use it, it is going to waste, anyway.

It will open a new realm of thought where American ingenuity can take over branching into other areas.

If we could offer tax or other types of incentives to home owners who choose to retrofit their existing houses to solar power, we could further increase the possibility of development of the use of the resource.

I think nuclear energy has proven itself to be a great source of power. Its increased use would foster research into uses of the spent fuel, which seems to me to be the most controversial area. Again, I am sure that with the increased use of nuclear power comes the increased possibility of accidents, but also comes the increased knowledge base from which to work, keeping the possibilities of accidents to a minimum.

One of the important questions I would like to raise is the viability of ethanol. I think it is going to do too much damage (we are seeing it already) to our food-producing industry. It is already causing an increase in food costs in the grocery store, and further development will cause, I am afraid, an even larger cost increase. We are already importing foodstuffs from other countries, something we have not had to do before.

UNSIGNED.

You write that my country is too dependent on foreign oil and we must develop alternate energy sources. You, your party, and many of the Democrats have voted consistently against all such alternatives for one reason or another. [I disagree with your assessment of the problem.] It is of no use to write about my experience with the rise in gas prices. If Congress and this Administration need stories, then it further proves that our elected government [is not responsive to its citizens][Congress has] held hearings with the oil representatives, which [has not resulted in anything.] Thank you for your inattention to this response.

HARRY.

I am a small business owner in Meridian. I will put this succinctly: My government is allowing OPEC to put me and other businesses out of business! If I understand this correctly, we import most of our oil from Canada and Mexico. If I also understand this correctly, they import a lot of food and technology from us. Therefore, if we get little to no oil, then understandably, they should get no food or technology and keep [their own] citizens in [their] country. I cannot afford to pay higher taxes for these illegal people. No oil = no food. I can live longer without their oil than they can without our food. Stop all Alaskan pipeline oil to Japan; why should we be in critical shortage and continue to supply them?

We can build refineries, too. Obviously the OPEC cartel does not want to since they are raping our bank accounts with the few that are working. Drill off-shore; China is [doing so] in our own gulf, and drill in the Arctic National Wildlife Refuge.

[I am tired of all the talk without any action. Congress must get this country moving in a positive direction.]

Support the troops.

Secure the border.

Drill and process our own oil, build refineries.

Secure English as our language.

No foreign aid to countries hostile to the U.S.

Practice some ethics in government service.

[I am very unhappy with the inaction of Congress on this matter.]

Sincerely,

DAVID, *Meridian*.

DEAR SENATOR CRAPO: I received your e-mail and just wanted to respond in kind to it.

I also heard President Bush's speech this morning that he would like to lift the ban on offshore drilling, begin shale drilling in Wyoming, Colorado and Utah, and also begin drilling in ANWR. My husband and I are 100 percent in favor of this happening, and hope that your vote will likewise be the same in the Senate. What a shame that this country has not built a new refinery in thirty years. It is hard to believe that we have let ourselves become so dependent on foreign oil, and it is a disgrace to this country. We would also be in favor of nuclear energy, and affordable hybrid cars (electric and gas) to lessen the dependency on oil.

My husband and I are both retired and on fixed incomes so the sky rocketing fuel prices affecting the cost of food, and anything else shipped by truck, has not only cut into our income, but also into our savings.

We thank you for all the good work you are doing on our behalf as Senator of Idaho. Please keep up the fight so that our voices can be heard.

Sincerely,

SHEILA.

It is time that we must remind Republicans that if we do not drill, we will no longer be the strongest nation in the world. I am sure that the Liberals and Environmentalists want us to suffer. We are a ''can do'' nation and we can start drilling off the coasts and in ANWR. We need to show, the Americans, that we are still a ''can do'' nation. Maybe we should tell all those who do not support drilling that we should not support them in Congress. We are a nation that has always had a ''can do'' attitude. We do not [want people in Congress who do not support drilling and new jobs; we need people who will allow us to develop our own resources without reliance on foreign countries.] We have plenty of oil and oil shale in our country to start drilling now.

MARY.

Good for you, Senator Crapo!! Thank you for not falling for the illogical environmental hysteria that is taking over the political landscape right now. We need long-term planning, not short-term panic.

MARV.

I have presently read a report written by a retired engineer from Exxon. This engineer has proposed a change from oil to coal-oil. That can be produced at $40 a barrel and within EPA standards. To me, this is a no-brainer for the interim until a permanent solution is available.

HERBERT.

My wife and I live in Hailey and are octogenarians, so the impact of high energy costs is felt through home heating and cooking and limitation on driving. Perhaps the greatest impact is the rising cost of food and services relating to costs of energy. We have canceled out two vacations this summer and fall, and go into town to shop and pick up mail just 2 or 3 days a week.

If Congress actually gets serious, I feel we would be well served by 1) offshore drilling and new refining and 2) a serious long-term effort to diversify into nuclear power, and other economically correct alternatives, including coal and shale oil.

Keep your eye on the ball.

JIM AND MARTY.

''This year alone, the average American family will spend more than $200 a month on gasoline.''

YOU are now paying about half what Europeans pay for gas—so this is what you chose to call a ''crisis.'' But then of course you do not walk in my shoes. The Europeans apparently have learned to live with outrageous

gas prices, but then their governments do not provide tax incentives for people to buy SUVs and 1-ton trucks to go shopping in. Maybe there is no SUV or 1-ton truck lobby over there.

Here is MY crisis—if you are interested: I am paying $1,293 per month for medical insurance for my wife and myself. That is a heck of a lot more than your $200 ''crisis.'' That takes care of about all of my company pension (after 30 years of employment).

For that $200 in gas I can escape to McCall or Stanley for a weekend. That $1,293 medical insurance does not even offer me peace of mind, as I struggle each month to justify the payment.

Obviously—your crisis is not my crisis—and vice versa.

OLE, *Boise*.

This fuel problem is, of course, hard on us all. But the young families trying to make ends meet by working two jobs and still cannot meet the student's needs, and cannot get any to help because they do not fall into the right bracket to receive stamps or whatever, free children's lunches, even. The real people are the ones who are hurting. Yes, something has got to give. Bless you for caring.

MARY.

The bottom line solution to our energy crisis is to dramatically reduce our dependence on fossil fuel as quickly as possible, especially foreign oil. Sooner or later that supply is going to be history.

The big question is what can we do now? I can think of several ideas: (1) Allow oil drilling in the U.S. in those areas currently restricted by environmental law. (2) Create monetary incentives for auto manufacturers who offer non-fossil fuel vehicles for sale and also incentives for those who buy them. (3) Encourage the use of nuclear energy to generate electrical energy, both for home and domestic use. (4) To help pay for some of this, apply a healthy surcharge on every gallon of foreign oil that comes into the U.S. And finally (5) continue to help educate our U.S. public in new and better ways to cope with high energy costs.

None of this will come quick or easy, but something has to be done now to keep from destroying our U.S. economy and existence.

Thank you.

DAVE AND HELEN, *Meridian*.

I totally disagree with your statement in the first paragraph that reads:

''The driving distances between places in our state as well as limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel. The United States is too dependent on petroleum for our energy. And we are far too dependent on foreign sources of that petroleum. We urgently need to expand our own domestic production of petroleum and need to significantly diversify our energy sources.''

More emphasis should be placed by Congress (including you) on forcing the three domestic automobile manufacturers to increase the mileage cars and trucks get and phase out production of gas-guzzling SUVs, while increasing the production levels of hybrid cars similar to the ones Toyota and Honda make. Instead of coming up with new ideas you advocate continuing the status quo, which is to allow auto manufacturers to save money on the research necessary to come up with cars that have leading-edge technology, like the Toyota Prius. No wonder American car makers are losing billions of dollars and are now behind Toyota in cars sold. Next thing we taxpayers will probably have to do is to bail these companies out, just as we did with Chrysler in the early 1980s.

ROBERT, *Boise*.

DEAR SENATOR CRAPO, While there is no short term fix for escalating energy prices, I believe there are a few things that we can do to ensure the United States of America will have viable energy for the future.

(1) Speculative Impact on Oil—Taxing the oil companies into oblivion is not the answer, but the methods that are used to trade oil contracts can be changed. Since oil speculators only need to put 4 percent—7 percent down on an oil contract, there are too many speculators in the market that have no intention of ever taking delivery of a drop of oil. Raising the down payment to be comparable to the stock market (50 percent down payment) will take out the investors ''dabbling'' in oil. Let us do the math on this: If I took $40,000 of my own money, I could buy one million dollars worth of oil contracts that I would have no intention of ever taking delivery of. Removing oil contracts such as these from the market would give us a better idea of true supply/demand ratio really is.

(1a) The Fed needs to do what is necessary to increase the value of the dollar. A stronger dollar slows down speculative buying of oil, causing the price to drop.

(2) Import tariff on ethanol. While we do not want to be dependent on yet another imported fuel, this would remove some of the pressure on food prices due to demand for corn. Corn is so important to our society that most people do not grasp the impact it has on many areas of the economy. Everything from carbonated drinks, dog food, meat, etc. depend on corn in one way or another and also raises the prices for other crops because less of these other crops are being planted in favor of corn. Now take that price increase, and add the effect of the flooding this year and we are looking at a recipe for rampant inflation. Since Idaho farmers produce a large amount of sugar from sugar beets, maybe helping them build some plants to turn that sugar into ethanol is a viable option.

(3) Other energy sources. We cannot continue to count on oil as our primary source for energy. The Federal Government has known for years that we can get biodiesel from ALGAE! (http://www.unh.edu/p2/biodiesel/article_alge.html cites many government sources) We cannot afford to not provide funds for more research and development in this field. Clean nuclear energy—we need to do whatever we can to be able to take spent nuclear fuel and regenerate it, thus having less nuclear waste going into the ground. If the French can do this, there should be nothing in our way to prevent us for doing it—even if it means renegotiating nuclear proliferation treaties. We also need to invest more into research and development of solar and wind power. We also need to overturn drilling bans that are in place in places such as the coasts of California and Florida. We also cannot deny that this country needs more refining capacity, and we need to come up with a way to help companies cut the red tape and build more refinery capacity.

(4) FEDERAL GOVERNMENT REGULATION—The rules imposed by the EPA have impacted our ability to have higher mile per gallon vehicles. Tighter emission laws always results in a decrease in fuel economy. If engines put out less emissions in emissions tests, is that negated by them consuming more fuel over several years? For example, the change from low sulfur diesel (500 ppm sulfur) to Ultra low sulfur diesel (50 ppm) caused diesels to lose about 2 percent economy and some of the older engines have problems with the new diesel eating through seals. Having regulations more like Europe (separate policies for gasoline engines vs. diesel engines) would also help. Due to the current EPA regulation, nobody can import the clean diesels from Europe such as the Volkswagen Polo—which with the diesel engine gets 72 mpg. Hybrid vehicles cannot touch this kind of fuel economy. Just think how many gallons of fuel would be saved by cars like this, then think about how many more gallons of fuel would be saved if this vehicle used biodiesel!

As for how it affects my life: I had already reduced my driving after diesel hit $3/gallon, and now I have reduced it even more. I canceled plans to visit family in North Idaho for the Memorial Day Weekend (I live in Boise), and about the only driving I do is to/from work (5 miles each way), and necessary errands such as the grocery store. I also end up hunting much less than I would like, and if the price continues to climb, I may not hunt at all. If more people like me do not hunt, then the Idaho Fish and Game department will have huge funding shortfalls which, in my opinion, jeopardizes the future of wildlife conservation in our state. I also have cut down on spending of all other types, whether it is eating out or not buying consumer goods.

There is not an instant solution to the energy crisis, but some of the things above will help in the short term. We need to focus on the long term energy policy not only to cause prices to normalize, but to prevent economy-killing price hikes like we are seeing now.

ALAN, *Boise*.

We are 70 years old and active seniors on a fixed income. Energy costs are becoming a burden for us and will begin to go into our reserves for future years. Gas prices are obviously a problem but the cost of groceries is also a big item. We have one car and my husband rides a bicycle as much as possible. I walk to places when destinations are close enough. We are concerned about being good stewards of our environment and do what we can, e.g., recycling, using less gas, using fans instead of an air conditioner when practical, raising some of our own food, planting trees on our property, and conserving water.

We are disgusted that we are the victims of bogus global warming fanatics, environmentalists, and opportunists. Ethanol, which has not been proven to be efficient or good for engines, is using up corn that was used for food and livestock feed thus raising food costs. We have oil reserves in our own soil that could be used. There are other countries drilling off our shores so why cannot we since this would not create any more risk than is already present?

ALLEN AND JANE, *Nampa*.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF CHURCHS FERRY, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On June 27 through June 29, the residents of Churchs Ferry celebrated their community's history and founding.

This Great Northern Rail Road town site was founded in 1886 and named for the ferry service operated by Irvine A. Church. Mr. Church moved his Church post office to the town on November 13, 1886, adopting the new name. To conform to new government spelling regulations the name was changed to Churchs Ferry on November 30, 1894.

Although its population is small, Churchs Ferry serves as a testament to

hard work and determination. Even after a Federal buyout in 2000 relocated many residents of Churchs Ferry from the rising flood waters of Devils Lake, some residents remained. These 10 residents have persevered and worked extremely hard to keep Churchs Ferry alive. Paul Christenson is the mayor, mechanic, and mower of the community's 30 acres of grass and takes great pride in keeping Churchs Ferry beautiful. Two new businesses have opened, including Gardendwellers Farm, which grows custom crops for wineries and restaurants and offers horticulture tours and workshops, and Water's Edge Dog Boarding kennel.

Visitors who pass through Churchs Ferry still see that the street signs are up and can drive by city hall, the post office, Kat's Korral bar, Paul's Repair shop, the Zion Lutheran Church, a museum, the Masonic Temple and the former school's gym/kitchen/stage addition that was purchased by the school's alumni association. The 125th anniversary celebration started off Friday, June 27, with a 1-mile walk and concluded on Sunday with a polka church service.

Mr. President, I ask the Senate to join me in congratulating Churchs Ferry, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Churchs Ferry and all the other historic small towns of ND, we keep the pioneering frontier spirit alive for future generations. It is places such as Churchs Ferry that have helped shape this country into what it is today, which is why this community is deserving of our recognition.●

125TH ANNIVERSARY OF GUELPH, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that recently celebrated its 125th anniversary. On July 12 and 13, the residents of Guelph gathered to celebrate their community's history and founding.

Guelph is located in Dickey County in southeastern North Dakota. It was founded in 1886 as a station for the Great Northern Rail Road. The post office was established on March 8, 1887, and its postmaster, Silas R. Dales, named the town for his hometown of Guelph, Ontario.

Although its population is small, Guelph is a popular destination because of its proximity to the James River for recreational boating and fishing. In addition, there are eight farms in the community that have been in the same families for 100 years.

The celebratory events on July 12 included a performance by the Guelph Community Band and Chorus, an all-school reunion, children's games, pony rides, a Shine and Show classic car/collectible vehicle show, a banquet and a dance. Activities for July 13 included a turkey barbeque, children's games and a tractor pull. Also, the anniversary committee created memorabilia rooms representing the former Guelph school classes, and the town of Guelph. Video presentations of the community history and past celebrations were available for viewing throughout the weekend.

Mr. President, I ask the Senate to join me in congratulating Guelph, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Guelph and all other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. Communities such as Guelph have helped shape this Nation into what it is today, which is why this community is deserving of our recognition.●

125TH ANNIVERSARY OF HAVANA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that recently celebrated its 125th anniversary. On July 4–6, the residents of Havana gathered to celebrate their community's history and founding.

Havana is a town of nearly 100 inhabitants. It is located in southeast North Dakota. Originally, the town was named Weber, but it was subsequently changed to Havana to avoid confusion with a town of a similar sounding name on the same railroad line. Havana was incorporated in 1904. By 1913, the town claimed a population of 450. In its early days, Havana had numerous general stores, pool halls, hotels, businesses dedicated to agriculture, a newspaper and an opera house.

Today, Havana offers its citizens plenty of leisure activities. Residents can enjoy a game of baseball at Williamson Park. The town maintains a grocery store and a post office. The Havana Civic Center hosts events for Havana's citizens. One of the favorite gathering places of residents of Havana is the town's café, the Farmer's Inn.

Havana's anniversary celebration began with a parade. In addition to many other activities, the community hosted a craft show, a banquet at the Havana Civic Center, a street dance, and fireworks display. Havana held a music festival, featuring bluegrass and gospel music, on the last day of the celebration. One of the highlights of Havana's festivities was the All School Reunion, which brought together former classmates of Havana School.

Mr. President, I ask the Senate to join me in congratulating Havana, ND and its residents on their first 125 years and in wishing them well in the future. By honoring Havana and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Havana that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Havana has a proud past and a bright future.●

125TH ANNIVERSARY OF MINNEWAUKAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On July 25 through July 27, the residents of Minnewaukan will celebrate their community's history and founding.

Minnewaukan is a small town with a population of 318 residents located in Benson County in northeastern North Dakota. In 1883, the town site was founded as one of several sites competing for the important Northern Pacific Railroad connection at the west end of Devils Lake. It became the county seat in 1884. The name is based on the Indian name Mini Waukon Chante, meaning water of bad spirits. The post office was established on March 12, 1884, by Thomas B. Ware. In 1898, Minnewaukan became a city.

Today, Minnewaukan remains a proud community that has a prosperous economy consisting of farming, service businesses, outdoor tourism, computer processing and retail businesses. Like so many smaller rural communities in North Dakota, Minnewaukan is a tight-knit town where everyone knows their neighbor. The Minnewaukan Community Club is a valuable asset to the community. The efforts of the club have successfully established a thriving fish cleaning station and boat ramp in the area.

Minnewaukan is a great place for enjoying the outdoors all year round, including hunting, fishing, boating, and camping. People from across the State and Nation are drawn by the lengthy seasons and abundant populations of waterfowl and fish. Grahams Island State Park provides citizens of the community and tourists an opportunity to enjoy the beauty of North Dakota through hiking, canoeing, biking, horseback riding and cross-country skiing.

The community has planned a wonderful weekend celebration to commemorate its 125th anniversary. Current and former residents of Minnewaukan will gather to celebrate this special occasion. The celebration includes an all-school reunion, a 5k walk/run, parade, fireworks display, concerts, and much more.

Mr. President, I ask the Senate to join me in congratulating Minnewaukan, ND, and its residents on their 125th anniversary and in wishing them well in the future. By honoring Minnewaukan and all the other historic towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Minnewaukan that have helped shape this country into what it is today, which is why this community is deserving of our recognition.

Minnewaukan has a proud past and a bright future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF CERTAIN MATERIALS AND EQUIPMENT FOR PRODUCTION OF NUTRITIONAL SUPPLEMENTS IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND WILL NOT MEASURABLY IMPROVE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM–58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export of 22 accelerometers for incorporation into railway geometry measurement systems and one 20-inch fluid energy mill for production of nutritional supplements is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2008*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3985. An act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessability requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3297. A bill to advance America's priorities.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, July 22, 2008, she had presented to the President of the United States the following enrolled bills:

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway.''

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Appropriations, without amendment:

S. 3301. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–428).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2657. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes (Rept. No. 110–429).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Jeffrey A. Remington, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jack L. Rives, to be Lieutenant General.

Air Force nomination of Lt. Gen. Donald J. Hoffman, to be General.

Air Force nomination of Brig. Gen. Kelly K. McKeague, to be Major General.

Army nomination of Col. Timothy K. Adams, to be Brigadier General.

Army nomination of Lt. Gen. Ann E. Dunwoody, to be General.

Army nomination of Maj. Gen. David M. Rodriguez, to be Lieutenant General.

Army nomination of Maj. Gen. Edgar E. Stanton III, to be Lieutenant General.

Army nomination of Brig. Gen. Matthew L. Kambic, to be Major General.

Army nomination of Lt. Gen. Martin E. Dempsey, to be General.

Army nomination of Lt. Gen. Carter F. Ham, to be General.

Army nomination of Lt. Gen. Richard P. Zahner, to be Lieutenant General.

Army nomination of Maj. Gen. Robert E. Durbin, to be Lieutenant General.

Army nomination of Lt. Gen. Ronald L. Burgess, Jr., to be Lieutenant General.

Army nomination of Lt. Gen. John F. Kimmons, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Douglas M. Stone, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. George J. Flynn, to be Lieutenant General.

Marine Corps nominations beginning with Colonel Juan G. Ayala and ending with Colonel Glenn M. Walters, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Navy nomination of Capt. Cynthia A. Covell, to be Rear Admiral (lower half).

Navy nomination of Capt. Elizabeth S. Niemyer, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. Bruce E. MacDonald, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Frank J. Hale, to be Colonel.

Air Force nomination of Douglas K. Dunbar, to be Colonel.

Air Force nomination of Tamera A. Herzog, to be Lieutenant Colonel.

Air Force nominations beginning with Keri L. Azuar and ending with Pamela P. Warddemo, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2008.

Army nominations beginning with Kenneth L. Beale, Jr. and ending with Thomas H. Brouillard, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Lenard M. Kerr and ending with Masaki G. Kuwana, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Ralf C. Beilhardt and ending with Richard L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nominations beginning with Michael P. Abel and ending with Johnnie Wright, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Army nomination of John D. Muther, to be Colonel.

Army nominations beginning with Stephen L. Aki and ending with D060701, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Army nominations beginning with Earl E. Abonadi and ending with X0007, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Army nominations beginning with Jeffrey W. Abbott and ending with D060688, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2008.

Marine Corps nomination of Bryan K. Wood, to be Lieutenant Colonel.

Navy nominations beginning with David R. Brown and ending with Timothy R. White, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Bradley A. Appleman and ending with Florencio J. Yuzon, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Sue A. Adamson and ending with Julie L. Working, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Mark R. Boone and ending with John C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Christopher G. Adams and ending with Nicolas D. I. Yamodis, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Alan L. Adams and ending with Georges E. Younes, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Craig L. Abraham and ending with Christopher M. Wise, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

Navy nominations beginning with Calliope E. Allen and ending with Patrick E. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 19, 2008.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KENNEDY, Mrs. BOXER, and Mr. BIDEN):

S. 3297. A bill to advance America's priorities; read the first time.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. NELSON of Florida, Mrs. MURRAY, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. MARTINEZ, Ms. SNOWE, Mr. KERRY, Mrs. DOLE, Mr. ISAKSON, Mr. VITTER, Mr. CHAMBLISS, Mr. WICKER, Ms. CANTWELL, and Ms. COLLINS):

S. 3298. A bill to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels; considered and passed.

By Mr. ENSIGN (for himself and Mr. BROWN):

S. 3299. A bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 3300. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 3301. An original bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BARRASSO (for himself, Mr. SALAZAR, Mr. SMITH, Mr. JOHNSON, and Mr. DOMENICI):

S. 3302. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LIEBERMAN, and Mr. THUNE):

S. 3303. A bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3304. A bill to designate the North Palisade in the Sierra Nevada in the State of California as ''Brower Palisade'' in honor of the late David Brower; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 3305. A bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees with respect to land and water administered by the Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. MENENDEZ:

S. 3306. A bill to ban the exportation of crude oil produced on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3307. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Mrs. CLINTON, Mrs. MURRAY, and Mr. WYDEN):

S. 3308. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 617. A resolution honoring the life and recognizing the accomplishments of Eric Nord, co-founder of the Nordson Corporation, innovative businessman and engineer, and generous Ohio philanthropist; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 618. A resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks; to the Committee on Foreign Relations.

By Mr. SESSIONS (for himself and Mr. COLEMAN):

S. Res. 619. A resolution expressing support for a constructive dialogue on human rights issues between the United States and Bahrain; to the Committee on Foreign Relations.

By Mr. BROWN (for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. OBAMA):

S. Con. Res. 94. A concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 626

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1846

At the request of Mr. BOND, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2599

At the request of Mr. CORKER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2599, a bill to provide enhanced education and employment opportunities for military spouses.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2844

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2919

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2919, supra.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3164

At the request of Mr. CORNYN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3164, a bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3167

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3224

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3224, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 photovoltaic systems by 2018.

S. 3252

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3263

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. HAGEL), the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3263, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 3268

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

S.J. RES. 43

At the request of Mr. WICKER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 43, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 44

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 44, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08-003, dated May 7, 2008, from such Center.

S. CON. RES. 82

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 331

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Missouri (Mr. BOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KENNEDY, Mrs. BOXER, and Mr. BIDEN):

S. 3297. A bill to advance America's priorities; read the first time.

Mr. REID. Mr. President, today I am introducing along with Senators LEAHY, LIEBERMAN, FEINSTEIN, INOUYE, KENNEDY, BOXER, and BIDEN, an important bill, with provisions in a variety of areas—from advancing medical research in critical areas, to cracking down on child exploitation, to promoting important U.S. foreign policy goals, to helping improve America's understanding about the oceans. What unites this diverse package of bills? One thing—unprecedented obstructionism.

The bills in this package include initiatives that have broad bipartisan support. Initiatives that have passed the House by 411 to 3; by 422 to 2; by 416 to 0. Many of these initiatives had such strong bipartisan support that they passed the House and Senate Committee by voice vote or even by unanimous consent.

Under normal circumstances, they would have passed the Senate through a simplified and expedited unanimous consent process and become law. Maybe some would have required a period of brief debate before passing the Senate.

But, instead of allowing the will of the Congress and the American people to be heard, Republicans have obstructed one bill after another. Here are just a few examples of the legislation that this bill includes—and that Republicans are preventing from becoming law:

The Emmitt Till Unsolved Crimes bill: Would help heal old wounds and solve crimes that have continued to be unsolved and unpunished since the Civil Rights era.

The Runaway and Homeless Youth bill: Would provide grants for health care, education and workforce programs, and housing programs for runaways and homeless youth.

The Combating Child Exploitation bill: Would provide grants to train law enforcement to use technology to track individuals who trade child pornography. Establishes an Internet Crimes Against Children Task Force within the Office of Justice Programs.

The ALS Registry bill: WouId create a centralized database to help doctors and scientists treat and hopefully find a cure for ALS/Lou Gehrig's Disease, which afflicts 5,600 Americans every year.

The Christopher and Dana Reeve Paralysis Act: Would enhance cooperation in research, rehabilitation and quality of life for people who suffer from paralysis. Not only will this bill accelerate the discovery of better treatments and cures, but help improve the daily lives of the 2 million Americans who await a cure.

This is just the tip of the iceberg. These bills address important American priorities, have broad—virtually unanimous—bipartisan support, yet, all have fallen victim to just one or two Republicans.

Senate Democrats are not willing to allow this obstruction of a few to block the will of the Congress and the American people any longer. Republicans will have a choice: Will they join the side of the American people, or continue to stand beside one or two colleagues intent on blocking progress? I hope Republicans will end their obstruction and work with Democrats this week to pass this crucial and long-overdue legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Advancing America's Priorities Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—HEALTHCARE PROVISIONS

Subtitle A—ALS Registry Act

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the ''ALS Registry Act''.

SEC. 1002. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2009, $25,000,000 for fiscal year 2010, and $16,000,000 for each of fiscal years 2011 through 2013.''.

SEC. 1003. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report shall also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

Subtitle B—Christoper and Dana Reeve Paralysis Act

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Christopher and Dana Reeve Paralysis Act''.

PART I—PARALYSIS RESEARCH

SEC. 1111. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this subtitle as the ''Director''), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may under subsection (a) make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded under grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication between members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

PART II—PARALYSIS REHABILITATION RESEARCH AND CARE

SEC. 1121. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—Each multicenter clinical trial network may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks and ensure regular communication between members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

PART III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

SEC. 1131. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this part referred to as the ''Secretary'') may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency and equality

of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, establish a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2012.

Subtitle C—Stroke Treatment and Ongoing Prevention Act

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Stroke Treatment and Ongoing Prevention Act''.

SEC. 1202. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT REGARDING STROKE PROGRAMS.

(a) STROKE EDUCATION AND INFORMATION PROGRAMS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—STROKE EDUCATION, INFORMATION, AND DATA COLLECTION PROGRAMS

''SEC. 399FF. STROKE PREVENTION AND EDUCATION CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment.

''(b) AUTHORIZED ACTIVITIES.—In implementing the education and information campaign under subsection (a), the Secretary may—

''(1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

''(2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and

''(3) carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

''(c) MEASUREMENTS.—In implementing the education and information campaign under subsection (a), the Secretary shall—

''(1) measure public awareness before the start of the campaign to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts;

''(2) establish quantitative benchmarks to measure the impact of the campaign over time; and

''(3) measure the impact of the campaign not less than once every 2 years or, if determined appropriate by the Secretary, at shorter intervals.

''(d) NO DUPLICATION OF EFFORT.—In carrying out this section, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies.

''(e) CONSULTATION.—In carrying out this section, the Secretary may consult with organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''SEC. 399GG. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

''The Secretary, acting through the Centers for Disease Control and Prevention, shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

''(1) continuing to develop and collect specific data points and appropriate benchmarks for analyzing care of acute stroke patients;

''(2) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing emergency medical systems and hospital-based quality of care interventions; and

''(3) carrying out any other activities the Secretary determines to be useful to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse to reflect the latest advances in all forms of stroke care.

''SEC. 399HH. STROKE DEFINITION.

''For purposes of this part, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''SEC. 399II. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2009 through 2013.''.

(b) EMERGENCY MEDICAL PROFESSIONAL DEVELOPMENT.—Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

''SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE AND TRAUMATIC INJURY TREATMENT AND PREVENTION.

''(a) RESIDENCY AND OTHER PROFESSIONAL TRAINING.—The Secretary may make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical services professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation.

''(b) CONTINUING EDUCATION ON STROKE AND TRAUMATIC INJURY.—

''(1) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to qualified entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies for health professionals involved in the prevention, diagnosis, treatment, and rehabilitation of stroke or traumatic injury.

''(2) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to qualified entities that will train health care professionals that serve areas with a significant incidence of stroke or traumatic injuries.

''(3) APPLICATION.—A qualified entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under the grant.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'qualified entity' means a consortium of public and private entities, such as universities, academic medical centers, hospitals, and emergency medical systems that are coordinating education activities among providers serving in a variety of medical settings.

''(B) The term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(c) REPORT.—Not later than 1 year after the allocation of grants under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of activities carried out with amounts received under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2009 through 2013. The Secretary shall equitably allocate the funds authorized to be appropriated under this section between efforts to address stroke and efforts to address traumatic injury.''.

SEC. 1203. PILOT PROJECT ON TELEHEALTH STROKE TREATMENT.

(a) ESTABLISHMENT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330L the following:

''SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT PROGRAM.

''(a) GRANTS.—The Secretary may make grants to States, and to consortia of public and private entities located in any State that is not a grantee under this section, to conduct a 5-year pilot project over the period of fiscal years 2008 through 2012 to improve stroke patient outcomes by coordinating health care delivery through telehealth networks.

''(b) ADMINISTRATION.—The Secretary shall administer this section through the Director of the Office for the Advancement of Telehealth.

''(c) CONSULTATION.—In carrying out this section, for the purpose of better coordinating program activities, the Secretary shall consult with—

''(1) officials responsible for other Federal programs involving stroke research and care, including such programs established by the Stroke Treatment and Ongoing Prevention Act; and

''(2) organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—The Secretary may not make a grant to a State or a consortium under this section unless the State or consortium agrees to use the grant for the purpose of—

''(A) identifying entities with expertise in the delivery of high-quality stroke prevention, diagnosis, treatment, and rehabilitation;

''(B) working with those entities to establish or improve telehealth networks to provide stroke treatment assistance and resources to health care professionals, hospitals, and other individuals and entities that serve stroke patients;

''(C) informing emergency medical systems of the location of entities identified under subparagraph (A) to facilitate the appropriate transport of individuals with stroke symptoms;

''(D) establishing networks to coordinate collaborative activities for stroke prevention, diagnosis, treatment, and rehabilitation;

''(E) improving access to high-quality stroke care, especially for populations with a shortage of stroke care specialists and populations with a high incidence of stroke; and

''(F) conducting ongoing performance and quality evaluations to identify collaborative activities that improve clinical outcomes for stroke patients.

''(2) ESTABLISHMENT OF CONSORTIUM.—The Secretary may not make a grant to a State under this section unless the State agrees to establish a consortium of public and private entities, including universities and academic medical centers, to carry out the activities described in paragraph (1).

''(3) PROHIBITION.—The Secretary may not make a grant under this section to a State that has an existing telehealth network that is or may be used for improving stroke prevention, diagnosis, treatment, and rehabilitation, or to a consortium located in such a State, unless the State or consortium agrees that—

''(A) the State or consortium will use an existing telehealth network to achieve the purpose of the grant; and

''(B) the State or consortium will not establish a separate network for such purpose.

''(e) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any applicant that submits a plan demonstrating how the applicant, and where applicable the members of the consortium described in subsection (d)(2), will use the grant to improve access to high-quality stroke care for populations with shortages of stroke-care specialists and populations with a high incidence of stroke.

''(f) GRANT PERIOD.—The Secretary may not award a grant to a State or a consortium under this section for any period that—

''(1) is greater than 3 years; or

''(2) extends beyond the end of fiscal year 2012.

''(g) RESTRICTION ON NUMBER OF GRANTS.—In carrying out the 5-year pilot project under this section, the Secretary may not award more than 7 grants.

''(h) APPLICATION.—To seek a grant under this section, a State or a consortium of public and private entities shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require each such application to outline how the State or consortium will establish baseline measures and benchmarks to evaluate program outcomes.

''(i) DEFINITION.—In this section, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009, $13,000,000 for fiscal year 2010, $15,000,000 for fiscal year 2011, $8,000,000 for fiscal year 2012, and $4,000,000 for fiscal year 2013.''.

(b) STUDY; REPORTS.—

(1) FINAL REPORT.—Not later than March 31, 2014, the Secretary of Health and Human Services shall conduct a study of the results of the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the grant program outcomes, including quantitative analysis of baseline and benchmark measures.

(B) Recommendations on how to promote stroke networks in ways that improve access to clinical care in rural and urban areas and reduce the incidence of stroke and the debilitating and costly complications resulting from stroke.

(C) Recommendations on whether similar telehealth grant programs could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS.—The Secretary of Health and Human Services may provide interim reports to the Congress on the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) at such intervals as the Secretary determines to be appropriate.

SEC. 1204. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to authorize the Secretary of Health and Human Services to establish Federal standards for the treatment of patients or the licensure of health care professionals.

Subtitle D—Melanie Blocker Stokes MOTHERS Act

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act'' or the ''Melanie Blocker Stokes MOTHERS Act''.

PART I—RESEARCH ON POSTPARTUM CONDITIONS

SEC. 1311. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

(a) DEFINITIONS.—For purposes of this subtitle—

(1) the term ''postpartum conditions'' means postpartum depression and postpartum psychosis; and

(2) the term ''Secretary'' means the Secretary of Health and Human Services.

(b) CONTINUATION OF ACTIVITIES.—The Secretary is encouraged to continue activities on postpartum conditions.

(c) PROGRAMS FOR POSTPARTUM CONDITIONS.—In carrying out subsection (b), the Secretary is encouraged to continue research to expand the understanding of the causes of, and treatments for, postpartum conditions. Activities under such subsection shall include conducting and supporting the following:

(1) Basic research concerning the etiology and causes of the conditions.

(2) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(3) The development of improved screening and diagnostic techniques.

(4) Clinical research for the development and evaluation of new treatments.

(5) Information and education programs for health care professionals and the public, which may include a coordinated national campaign to increase the awareness and knowledge of postpartum conditions. Activities under such a national campaign may—

(A) include public service announcements through television, radio, and other means; and

(B) focus on—

(i) raising awareness about screening;

(ii) educating new mothers and their families about postpartum conditions to promote earlier diagnosis and treatment; and

(iii) ensuring that such education includes complete information concerning postpartum conditions, including its symptoms, methods of coping with the illness, and treatment resources.

SEC. 1312. SENSE OF CONGRESS REGARDING LONGITUDINAL STUDY OF RELATIVE MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study (during the period of fiscal years 2008 through 2018) of the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(b) REPORT.—Subject to the completion of the study under subsection (a), beginning not later than 5 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study, such Director may prepare and submit to the Congress reports on the findings of the study.

PART II—DELIVERY OF SERVICES REGARDING POSTPARTUM CONDITIONS

SEC. 1321. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary may in accordance with this part make grants to provide for projects for the establishment, operation, and coordination of effective and cost-

efficient systems for the delivery of essential services to individuals with a postpartum condition and their families.

(b) RECIPIENTS OF GRANT.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government, a public-private partnership, a recipient of a grant under the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8), a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, public housing primary care center, or homeless health center, or any other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide education and services with respect to the diagnosis and management of postpartum conditions. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient and home-based health and support services, including case management and comprehensive treatment services for individuals with or at risk for postpartum conditions, and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that ensure the well-being of the mother and family and the future development of the infant.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with a postpartum condition and support services for their families.

(4) Providing education to new mothers and, as appropriate, their families about postpartum conditions to promote earlier diagnosis and treatment. Such education may include—

(A) providing complete information on postpartum conditions, symptoms, methods of coping with the illness, and treatment resources; and

(B) in the case of a grantee that is a State, hospital, or birthing facility—

(i) providing education to new mothers and fathers, and other family members as appropriate, concerning postpartum conditions before new mothers leave the health facility; and

(ii) ensuring that training programs regarding such education are carried out at the health facility.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary may integrate the program under this part with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 1322. CERTAIN REQUIREMENTS.

A grant may be made under section 1321 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of postpartum conditions.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 1321(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 1321(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

(6) For each grant period, the applicant will submit to the Secretary a report that describes how grant funds were used during such period.

SEC. 1323. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this part in order to make such entities eligible to receive grants under section 1321.

PART III—GENERAL PROVISIONS

SEC. 1331. AUTHORIZATION OF APPROPRIATIONS.

To carry out this subtitle and the amendments made by this subtitle, there are authorized to be appropriated, in addition to such other sums as may be available for such purpose—

(1) $3,000,000 for fiscal year 2009; and

(2) such sums as may be necessary for fiscal years 2010 and 2011.

SEC. 1332. REPORT BY THE SECRETARY.

(a) STUDY.—The Secretary shall conduct a study on the benefits of screening for postpartum conditions.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the study required by subsection (a) and submit a report to the Congress on the results of such study.

SEC. 1333. LIMITATION.

Notwithstanding any other provision of this subtitle, the Secretary may not utilize amounts made available under subtitle to carry out activities or programs that are duplicative of activities or programs that are currently being carried out through the Department of Health and Human Services.

Subtitle E—Vision Care for Kids Act of 2008

SEC. 1401. SHORT TITLE.

The subtitle may be cited as the ''Vision Care for Kids Act of 2008''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) Millions of children in the United States suffer from vision problems, many of which go undetected. Because children with vision problems can struggle developmentally, resulting in physical, emotional, and social consequences, good vision is essential for proper physical development and educational progress.

(2) Vision problems in children range from common conditions such as refractive errors, amblyopia, strabismus, ocular trauma, and infections, to rare but potentially life- or sight-threatening problems such as retinoblastoma, infantile cataracts, congenital glaucoma, and genetic or metabolic diseases of the eye.

(3) Since many serious ocular conditions are treatable if identified in the preschool and early school-age years, early detection provides the best opportunity for effective treatment and can have far-reaching implications for vision.

(4) Various identification methods, including vision screening and comprehensive eye examinations required by State laws, can be helpful in identifying children needing services. A child identified as needing services through vision screening should receive a comprehensive eye examination followed by subsequent treatment as needed. Any child identified as needing services should have access to subsequent treatment as needed.

(5) There is a need to increase public awareness about the prevalence and devastating consequences of vision disorders in children and to educate the public and health care providers about the warning signs and symptoms of ocular and vision disorders and the benefits of early detection, evaluation, and treatment.

SEC. 1403. GRANTS REGARDING VISION CARE FOR CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

(1) providing comprehensive eye examinations by a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

(2) providing treatment or services, subsequent to the examinations described in paragraph (1), necessary to correct vision problems; and

(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

(b) CRITERIA AND COORDINATION.—

(1) CRITERIA.—The Secretary, in consultation with appropriate professional and patient organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

(A) governing the operation of the grant program under subsection (a); and

(B) for the collection of data related to vision assessment and the utilization of follow-up services.

(2) COORDINATION.—The Secretary shall, as appropriate, coordinate the program under subsection (a) with the program under section 330 of the Public Health Service Act (relating to health centers) (42 U.S.C. 254b), the program under title XIX of the Social Security Act (relating to the Medicaid program) (42 U.S.C. 1396 et seq.), the program under title XXI of such Act (relating to the State children's health insurance program) (42 U.S.C. 1397aa et seq.), and with other Federal or State programs that provide services to children.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such information as the Secretary may require, including—

(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

(3) a plan to determine if a grant eligible child has been identified as provided for in subsection (a); and

(4) a description of how funds will be used to provide items or services, only as a secondary payer—

(A) for an eligible child, to the extent that the child is not covered for the items or services under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) for an eligible child, to the extent that the child receives the items or services from an entity that provides health services on a prepaid basis.

(d) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

(3) such other information as the Secretary may require.

(e) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will not expend more than 20 percent of the amount received under the grant to carry out the purpose described in paragraph (3) of such subsection.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the activities to be carried out with a grant under subsection (a), a condition for the receipt of the grant is that the State involved agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(g) DEFINITION.—For purposes of this section, the term ''comprehensive eye examination'' includes an assessment of a patient's history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $65,000,000 for the period of fiscal years 2009 through 2013.

Subtitle F—Prenatally and Postnatally Diagnosed Conditions Awareness Act

SEC. 1501. SHORT TITLE.

This subtitle may be cited As the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 1502. PURPOSES.

It is the purpose of this subtitle to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 1503. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 1002, is further amended by adding at the end the following:

''SEC. 399S. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

TITLE II—JUDICIARY PROVISIONS

Subtitle A—Reconnecting Homeless Youth Act of 2008

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Reconnecting Homeless Youth Act of 2008''.

SEC. 2102. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 2103. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''(2) The'' and inserting ''(2)(A) Except as provided in subparagraph (B), the'';

(B) by striking ''$100,000'' and inserting ''$200,000'';

(C) by striking ''$45,000'' and inserting ''$70,000''; and

(D) by adding at the end the following:

''(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

''(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 2104. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''directly or indirectly'' and inserting ''by grant, agreement, or contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, by grant, agreement, or contract, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

SEC. 2105. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''special consideration'' and inserting ''priority'';

(B) in paragraph (8)—

(i) by striking ''to health'' and inserting ''to quality health'';

(ii) by striking ''mental health care'' and inserting ''behavioral health care''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and''; and

(D) by adding at the end the following:

''(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.''; and

(2) by striking subsection (c) and inserting the following:

''(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

''(1) give priority to applicants who have experience working with runaway or homeless youth; and

''(2) ensure that the applicants selected—

''(A) represent diverse geographic regions of the United States; and

''(B) carry out projects that serve diverse populations of runaway or homeless youth.''.

SEC. 2106. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

''SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Reconnecting Homeless Youth Act of 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

''(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

''(2) that includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—The report required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 2107. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 2108. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

''PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

''SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

''(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runway and homeless youth, the resources available for these youth, and the tools available for the prevention of runaway and homeless youth situations; and

''(2) encouraging parents, guardians, educators, health care professionals, social service professionals, law enforcement officials, and other community members to seek to prevent runaway youth and youth homelessness by assisting youth in averting or resolving runaway and homeless youth situations.

''(b) USE OF FUNDS.—Funds made available to carry out this section for the national awareness campaign may be used only for the following:

''(1) The dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

''(2) Partnerships, including outreach activities, with national organizations concerned with youth homelessness, community-based youth service organizations (including faith-based organizations), and government organizations, related to the national awareness campaign.

''(3) In accordance with applicable laws (including regulations), the development and placement of public service announcements, in telecommunications media, including the Internet and related technologies and emerging technologies, that educate the public on—

''(A) the issues facing runaway and homeless youth (or youth considering running away); and

''(B) the opportunities that adults have to assist youth described in subparagraph (A).

''(4) Evaluation of the effectiveness of the national awareness campaign.

''(c) PROHIBITIONS.—None of the funds made available under section 388(a)(5) may be obligated or expended for any of the following:

''(1) For activities that supplant pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies, or supplant other pro bono work for the national awareness campaign.

''(2) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(3) To fund advertising that features any person seeking elected office.

''(4) To fund advertising that does not contain a primary message intended to educate the public on—

''(A) the issues facing runaway and homeless youth (or youth considering running away); and

''(B) on the opportunities that adults have to help youth described in subparagraph (A).

''(5) To fund advertising that solicits contributions to support the national awareness campaign.

''(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall perform—

''(1) audits and reviews of costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) an audit to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

''(e) REPORT.—The Secretary shall include in each report submitted under section 382 a summary of information about the national awareness campaign that describes—

''(1) the activities undertaken by the national awareness campaign;

''(2) steps taken to ensure that the national awareness campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

''(3) each grant made to, or contract entered into with, a particular corporation, partnership, or individual working on the national awareness campaign.''.

SEC. 2109. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking '', and E'' and inserting '', E, and F''.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking '', and E'' and inserting '', E, and F''.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking '', or E'' and inserting '', E, or F''.

SEC. 2110. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 2108, is amended by inserting after section 386 the following:

''SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Reconnecting Homeless Youth Act of 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 311, 321, and 351.''.

SEC. 2111. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, including making findings and recommendations, relating to the processes for making grants under parts A, B, and E of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

(2) SUBJECTS.—In particular, the Comptroller General shall study—

(A) the Secretary's written responses to and other communications with applicants who do not receive grants under part A, B, or E of such Act, to determine if the information provided in the responses and communications is conveyed clearly;

(B) the content and structure of the grant application documents, and of other associated documents (including grant announcements), to determine if the requirements of the applications and other associated documents are presented and structured in a way that gives an applicant a clear understanding of the information that the applicant must provide in each portion of an application to successfully complete it, and a clear understanding of the terminology used throughout the application and other associated documents;

(C) the peer review process for applications for the grants, including the selection of peer reviewers, the oversight of the process by staff of the Department of Health and Human Services, and the extent to which such staff make funding determinations based on the comments and scores of the peer reviewers;

(D) the typical timeframe, and the process and responsibilities of such staff, for responding to applicants for the grants, and the efforts made by such staff to communicate with the applicants when funding decisions or funding for the grants is delayed, such as when funding is delayed due to funding of a program through appropriations made under a continuing resolution; and

(E) the plans for implementation of, and the implementation of, where practicable, the technical assistance and training programs carried out under section 342 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–22), and the effect of such programs on the application process for the grants.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report containing the findings and recommendations resulting from the study.

SEC. 2112. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''not more than'' each place it appears and inserting ''less than''; and

(ii) by inserting after ''age'' the last place it appears the following: '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities''; and

(B) in clause (ii), by striking ''age;'' and inserting the following: ''age and either—

''(I) less than 22 years of age; or

''(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 322(a)(2) if such individual commences such stay before reaching 22 years of age;''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 2113. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''section 345 and parts E and F) $150,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013'';

(2) in paragraph (3)—

(A) by striking ''In'' and inserting the following:

''(A) IN GENERAL.—In'';

(B) by inserting ''(other than section 345)'' before the period; and

(C) by adding at the end the following:

''(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.'';

(3) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''; and

(4) by adding at the end the following:

''(5) PART F.—There are authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.''.

Subtitle B—Emmett Till Unsolved Civil Rights Crimes Act of 2007

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Emmett Till Unsolved Civil Rights Crime Act of 2007''.

SEC. 2202. SENSE OF CONGRESS.

It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

SEC. 2203. DEPUTY CHIEF OF THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION.

(a) IN GENERAL.—The Attorney General shall designate a Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the ''Deputy Chief'').

(b) RESPONSIBILITY.—

(1) IN GENERAL.—The Deputy Chief shall be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) COORDINATION.—In investigating a complaint under paragraph (1), the Deputy Chief may coordinate investigative activities with State and local law enforcement officials.

(c) STUDY AND REPORT.—

(1) STUDY.—The Attorney General shall annually conduct a study of the cases under the jurisdiction of the Deputy Chief or under the jurisdiction of the Supervisory Special Agent and, in conducting the study, shall determine—

(A) the number of open investigations within the Department of Justice for violations of criminal civil rights statutes that occurred not later than December 31, 1969;

(B) the number of new cases opened pursuant to this subtitle since the most recent study conducted under this paragraph;

(C) the number of unsealed Federal cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(D) the number of cases referred by the Department of Justice to a State or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in State charges being filed, the jurisdiction in which such charges were filed, the date the charges were filed, and if a jurisdiction declines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(E) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant Federal statutes;

(F) the number of attorneys who worked, in whole or in part, on any case described in subsection (b)(1); and

(G) the applications submitted for grants under section 2205, the award of such grants, and the purposes for which the grant amount were expended.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 2204. SUPERVISORY SPECIAL AGENT IN THE CIVIL RIGHTS UNIT OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice (in this subtitle referred to as the ''Supervisory Special Agent'').

(b) RESPONSIBILITY.—

(1) IN GENERAL.—The Supervisory Special Agent shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(2) COORDINATION.—In investigating a complaint under paragraph (1), the Supervisory Special Agent may coordinate the investigative activities with State and local law enforcement officials.

SEC. 2205. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General may make grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution of criminal offenses, involving civil rights, that occurred not later than December 31, 1969, and resulted in a death.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 2008 through 2017 to carry out this section.

SEC. 2206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, in addition to any other amounts otherwise authorized to be appropriated for this purpose, to the Attorney General $10,000,000 for each of fiscal years 2008 through 2017 for investigating and prosecuting violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. Amounts appropriated pursuant to this subsection shall be allocated by the Attorney General to the Deputy Chief and the Supervisory Special Agent in order to advance the purposes set forth in this subtitle.

(b) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Community Relations Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in section 2204(b).

SEC. 2207. DEFINITION OF CRIMINAL CIVIL RIGHTS STATUTES.

In this subtitle, the term ''criminal civil rights statutes'' means—

(1) section 241 of title 18, United States Code (relating to conspiracy against rights);

(2) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(3) section 245 of title 18, United States Code (relating to federally protected activities);

(4) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(5) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(6) any other Federal law that—

(A) was in effect on or before December 31, 1969; and

(B) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, before the date of enactment of this Act.

SEC. 2208. SUNSET.

Sections 2202 through 2206 of this subtitle shall cease to have force or effect at the end of fiscal year 2017.

SEC. 2209. AUTHORITY OF INSPECTORS GENERAL.

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

''SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

''(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

''(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

''(2) by engaging in similar activities.

''(b) LIMITATIONS.—

''(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

''(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.''.

Subtitle C—Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008''.

SEC. 2302. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 2303. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793aa(h)) is amended—

(1) in paragraph (1), by striking at the end ''and'';

(2) in paragraph (2), by striking ''for fiscal years 2006 through 2009.'' and inserting ''for each of the fiscal years 2006 and 2007; and''; and

(3) by adding at the end the following new paragraph:

''(3) $75,000,000 for each of the fiscal years 2009 through 2014.''.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking ''There are authorized'' and inserting ''(1) IN GENERAL.—There are authorized''; and

(3) by adding at the end the following new paragraph:

''(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.''.

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

''(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

''(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

''(C) document, in the case of an application for a grant to be used in whole or in part

to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

''(D) have the support of both the Attorney General and the Secretary.''.

SEC. 2304. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) IN GENERAL.—Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by adding at the end the following new section:

''SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

''(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

''(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(2) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

''(3) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

''(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

''(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(b) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

''(c) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2009 through 2014.''.

(b) CONFORMING AMENDMENT.—Such part is further amended by amending the part heading to read as follows: ''**GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES**''.

SEC. 2305. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF THE MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2009 through 2014''.

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796ii) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) pretrial services and related treatment programs for offenders with mental illnesses; and

''(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.''.

SEC. 2306. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''serious mental illness'' means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term ''covered mental, behavioral, or emotional disorder''—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for 2009.

Subtitle D—Effective Child Pornography Prosecution Act of 2007

SEC. 7401. SHORT TITLE.

This subtitle may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

SEC. 7402. FINDINGS.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 7403. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

Subtitle E—Enhancing the Effective Prosecution of Child Pornography Act of 2007

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

SEC. 2502. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

SEC. 2503. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

Subtitle F—Drug Endangered Children Act of 2007

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the ''Drug Endangered Children Act of 2007''.

SEC. 2602. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c)) is amended by striking ''fiscal years 2006 and 2007'' and inserting ''fiscal years 2008 and 2009''.

Subtitle G—Star-Spangled Banner and War of 1812 Bicentennial Commission Act

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission Act''.

SEC. 2702. STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multiparty democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, DC, the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled ''the Star-Spangled Banner'';

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this section are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

(c) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the War of 1812.

(2) COMMISSION.—The term ''Commission'' means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in subsection (d)(1).

(3) QUALIFIED CITIZEN.—The term ''qualified citizen'' means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATES.—The term ''States''—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Vermont, Virginia, New York, Maine, Michigan, and Ohio; and

(B) includes agencies and entities of each State.

(d) STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the ''Star-Spangled Banner and War of 1812 Bicentennial Commission''.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(i) 11 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, Louisiana, Maine, Maryland, Michigan, New York, Ohio, Vermont, and Virginia;

(ii) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(iii) 2 members shall be employees of the National Park Service, of whom—

(I) 1 shall be the Director of the National Park Service (or a designee); and

(II) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(iv) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(I) 1 of which are submitted by the majority leader of the Senate;

(II) 1 of which are submitted by the minority leader of the Senate;

(III) 1 of which are submitted by the majority leader of the House of Representatives; and

(IV) 1 of which are submitted by the minority leader of the House of Representatives; and

(v) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(5) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(B) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(6) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(7) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(8) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

(e) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(B) facilitate the commemoration throughout the United States and internationally;

(C) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(D) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(E) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(F) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(G) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(H) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(I) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(2) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this section.

(3) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(i) a summary of the activities of the Commission;

(ii) a final accounting of any funds received or expended by the Commission; and

(iii) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

(f) POWERS.—

(1) IN GENERAL.—The Commission may—

(A) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(B) appoint such advisory committees as the Commission determines to be necessary to carry out this section;

(C) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this section;

(D) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(E) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(2) LEGAL AGREEMENTS.—

(A) IN GENERAL.—In carrying out this section, the Commission may—

(i) procure supplies, services, and property; and

(ii) make or enter into contracts, leases, or other legal agreements.

(B) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(4) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(5) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(g) PERSONNEL MATTERS.—

(1) MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in paragraph (3)(A), a member of the Commission shall serve without compensation.

(B) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(C) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) STATUS.—The Executive Director and other staff appointed under this paragraph shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(ii) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(iii) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this subsection, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under this section, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(ii) reimburse States for services of detailed personnel.

(4) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under subsection (f)(1)(B)—

(A) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(B) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section not to

exceed $500,000 for each of fiscal years 2008 through 2015.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection for any fiscal year shall remain available until December 31, 2015.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(3) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

(4) ANNUAL AUDIT.—The Inspector General of the Department of the Interior shall perform an annual audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on the Judiciary of the Senate.

Subtitle H—PROTECT Our Children Act of 2008

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

SEC. 2802. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

PART I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 2811. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than February 1 of each year, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CybertTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or

meetings convened by the Department of Justice related to combating child exploitation.

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—There shall be created in the Office of Legal Policy of the Department of Justice the position of Special Assistant to the Assistant Attorney General for Child Exploitation and Interdiction, whose duties shall include coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 2812. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

SEC. 2813. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 2814. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 2813;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 2815, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this part; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 2815. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to post or traffic images of child exploitation.

(b) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 2812;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(c) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (b); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(d) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 2811(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(e) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (c);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(f) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (e), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any activity that is inconsistent with any Federal law, regulation, or constitutional constraint.

SEC. 2816. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 2814.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this part.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General

in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 2812; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 2817. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

PART II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 2821. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this part to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

PART III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 2831. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 2832. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 2833. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 2834. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) in or affecting interstate or foreign commerce, knowingly modifies, with intent to distribute, a visual depiction of an identifiable minor so that the depiction becomes child pornography.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

PART IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 2841. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an on-line child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

TITLE III—ENVIRONMENT AND PUBLIC WORKS PROVSIONS

Subtitle A—Captive Primate Safety Act

SEC. 3001. SHORT TITLE.

This subtitle may be cited as the ''Captive Primate Safety Act''.

SEC. 3002. ADDITION OF NONHUMAN PRIMATES TO DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting before the period at the end ''or any nonhuman primate''.

SEC. 3003. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' after the semicolon;

(ii) in subparagraph (B)(iii), by striking ''; or'' and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting ''or subsection (e)'' before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking ''(e)'' and all that follows through ''Subsection (a)(2)(C) does not apply'' in paragraph (1) and inserting the following:

''(e) CAPTIVE WILDLIFE OFFENSE.—

''(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

''(2) LIMITATION ON APPLICATION.—This subsection—

''(A) does not apply to a person transporting a nonhuman primate to or from a veterinarian who is licensed to practice veterinary medicine within the United States, solely for the purpose of providing veterinary care to the nonhuman primate, if—

''(i) the person transporting the nonhuman primate carries written documentation issued by the veterinarian, including the appointment date and location;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for that species of primate;

''(iii) the nonhuman primate has no contact with any other animals or members of the public, other than the veterinarian and other authorized medical personnel providing veterinary care; and

''(iv) such transportation and provision of veterinary care is in accordance with all otherwise applicable State and local laws, regulations, permits, and health certificates;

''(B) does not apply to a person transporting a nonhuman primate to a legally designated caregiver for the nonhuman primate as a result of the death of the preceding owner of the nonhuman primate, if—

''(i) the person transporting the nonhuman primate is carrying legal documentation to support the need for transporting the nonhuman primate to the legally designated caregiver;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for the species;

''(iii) the nonhuman primate has no contact with any other animals or members of the public while being transported to the legally designated caregiver; and

''(iv) all applicable State and local restrictions on such transport, and all applicable State and local requirements for permits or health certificates, are complied with;

''(C) does not apply to a person transporting a nonhuman primate solely for the purpose of assisting an individual who is permanently disabled with a severe mobility impairment, if—

''(i) the nonhuman primate is a single animal of the genus Cebus;

''(ii) the nonhuman primate was obtained from, and trained at, a licensed nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 the nonprofit tax status of which was obtained—

''(I) before July 18, 2008; and

''(II) on the basis that the mission of the organization is to improve the quality of life of severely mobility-impaired individuals;

''(iii) the person transporting the nonhuman primate is a specially trained employee or agent of a nonprofit organization described in clause (ii) that is transporting the nonhuman primate to or from a designated individual who is permanently disabled with a severe mobility impairment, or to or from a licensed foster care home providing specialty training of the nonhuman primate solely for purposes of assisting an individual who is permanently disabled with severe mobility impairment;

''(iv) the person transporting the nonhuman primate carries documentation from the applicable nonprofit organization that includes the name of the designated individual referred to in clause (iii);

''(v) the nonhuman primate is transported in a secure enclosure that is appropriate for that species;

''(vi) the nonhuman primate has no contact with any animal or member of the public, other than the designated individual referred to in clause (iii); and

''(vii) the transportation of the nonhuman primate is in compliance with—

''(I) all applicable State and local restrictions regarding the transport; and

''(II) all applicable State and local requirements regarding permits or health certificates; and

''(D) does not apply'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking ''a'' before ''prohibited'' and inserting ''any'';

(ii) by striking ''(3)'' and inserting ''(4)''; and

(iii) by striking ''(2)'' and inserting ''(3)'';

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking ''animals listed in section 2(g)'' each place it appears and inserting ''prohibited wildlife species''; and

(II) in clause (iv), by striking ''animals'' and inserting ''prohibited wildlife species''; and

(ii) in subparagraph (D), by striking ''animal'' each place it appears and inserting ''prohibited wildlife species'';

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''(2)'' and inserting ''(3)'';

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking ''subsection (a)(2)(C)'' and inserting ''this subsection''; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

''(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.''.

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by inserting ''(e),'' after ''subsections (b), (d),'' ; and

(2) in paragraph (1), by inserting '', (e),'' after ''subsection (d)''.

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by inserting ''(e),'' after ''subsections (b), (d),'' each place it appears; and

(2) in paragraph (3), by inserting '', (e),'' after ''subsection (d)''.

SEC. 3004. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—Section 3'' and inserting ''Section 3''; and

(2) by striking subsection (b).

SEC. 3005. REGULATIONS.

Section 7(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3376(a)) is amended by adding at the end the following new paragraph:

''(3) The Secretary shall, in consultation with other relevant Federal and State agencies, issue regulations to implement section 3(e).''.

SEC. 3006. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAW ENFORCEMENT PERSONNEL.

In addition to such other amounts as are authorized to carry out the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), there is authorized to be appropriated to the Secretary of the Interior $5,000,000 for fiscal year 2009 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

Subtitle B—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act

SEC. 3011. SHORT TITLE.

This subtitle may be cited as the ''Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act''.

SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

Subtitle C—Beach Protection Act of 2008

SEC. 3021. SHORT TITLE.

This subtitle may be cited as the ''Beach Protection Act of 2008''.

SEC. 3022. BEACHWATER POLLUTION SOURCE IDENTIFICATION AND PREVENTION.

(a) IN GENERAL.—Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended in each of subsections (b), (c), (d), (g), and (h) by striking ''monitoring and notification'' each place it appears and inserting ''monitoring, public notification, source tracking, and sanitary surveys to address the identified sources of beachwater pollution''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 406(i) of the Federal Water Pollution Control Act (33 U.S.C. 1346(i)) is amended by striking ''$30,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$60,000,000 for each of fiscal years 2008 through 2013''.

SEC. 3023. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking ''2005'' and inserting ''2013''.

SEC. 3024. STATE REPORTS.

Section 406(b)(3)(A)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended by inserting ''and all environmental agencies of the State with authority to prevent or treat sources of beachwater pollution'' after ''public''.

SEC. 3025. USE OF RAPID TESTING METHODS.

(a) CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.—Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting '', including the use of a rapid testing method after the last day of the 1-year period following the date of approval of the rapid testing method by the Administrator'' before the semicolon at the end.

(b) REVISED CRITERIA.—Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''rapid'' before ''testing''; and

(B) by striking '', as appropriate''; and

(2) by adding at the end the following:

''(C) VALIDATION OF RAPID TESTING METHODS.—Not later than 2 years after the date of enactment of this subparagraph, and periodically thereafter, the Administrator shall validate the rapid testing methods.''.

(c) DEFINITION.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RAPID TESTING METHOD.—The term 'rapid testing method' means a method of

testing for which results are available within 2 hours after commencement of the rapid testing method.''.

SEC. 3026. PROMPT COMMUNICATION WITH STATE ENVIRONMENTAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''prompt communication'' and inserting ''communication within 24 hours of the receipt of the results of a water quality sample'';

(2) in subparagraph (A), by striking ''and'' at the end;

(3) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(4) by adding at the end the following:

''(C) all agencies of the State government with authority to require the prevention or treatment of the sources of beachwater pollution;''.

SEC. 3027. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following:

''(8) measures to develop and implement a beachwater pollution source identification and tracking program for the coastal recreation waters that are not meeting applicable water quality standards for pathogens and pathogen indicators;

''(9) a publicly accessible and searchable geographical information system database with information updated within 24 hours of the availability of the information, organized by beach and with defined standards, sampling plan, monitoring protocols, sampling results, and number and cause of beach closing and advisory days; and

''(10) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators.''.

SEC. 3028. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''In the'' and inserting the following: ''(1) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

''(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government, and of compliance with conditions of each grant made under this section to a State or local government, including compliance with any requirement or condition under subsection (a)(2) or (c);

''(B) notify the State or local government of the assessment; and

''(C) make each of the assessments available to the public in a searchable database on or before December 31 of the calendar year.

''(3) CORRECTIVE ACTION.—

''(A) IN GENERAL.—Any State or local government that the Administrator notifies under paragraph (2) that the State or local government is not in compliance with any requirement or grant condition described in paragraph (2) shall take such action as is necessary to comply with the requirement or condition by not later than 1 year after the date of the notification.

''(B) NONCOMPLIANCE.—If the State or local government is not in compliance with such a requirement or condition by the date that is 1 year after the deadline specified in subparagraph (A), any grants made under subsection (b) to the State or local government, after the last day of the 1-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall require a Federal share of not to exceed 50 percent.

''(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General of the United States shall—

''(A) conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after that date of enactment; and

''(B) submit to Congress a report on the results of the review.''.

SEC. 3029. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of that formula.

(b) REQUIREMENTS.—In conducting the study, the Administrator shall—

(1) consider the emphasis and valuation placed on length of beach season, including any findings made by the Government Accountability Office with respect to that emphasis and valuation; and

(2) consult with appropriate Federal, State, and local agencies.

(c) REPORT AND REVISION.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any recommendations for revisions of the distribution formula referred to in subsection (a); and

(2) revise the distribution formula referred to in subsection (a) in accordance with those recommendations.

Subtitle D—Appalachian Regional Development Act Amendments of 2008

SEC. 3031. SHORT TITLE.

This subtitle may be cited as the ''Appalachian Regional Development Act Amendments of 2008''.

SEC. 3032. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A) by striking clause (i) and inserting the following:

''(i) the amount of the grant shall not exceed—

''(I) 50 percent of administrative expenses;

''(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

''(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;''; and

(2) in paragraph (2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

''(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.''.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be made for up to—

''(A) 50 percent of the cost of that operation;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.''; and

(2) in subsection (f)—

(A) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

''(A) 70 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d) by striking paragraph (1) and inserting the following:

''(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

''(A) 50 percent of that cost;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

''(C) in the case of a project to be carried out for a county for which an at-risk county

designation is in effect under section 14526, 70 percent of that cost.''; and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

''(A) not be made to an organization established for profit; and

''(B) except as provided in paragraph (2), not exceed—

''(i) 50 percent of those expenses;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.''.

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.''.

SEC. 3033. ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14508. Economic and energy development initiative

''(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects and activities—

''(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region;

''(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat; and

''(3) to support the development of regional, conventional energy resources to produce electricity and heat through advanced technologies that achieve a substantial reduction in emissions, including greenhouse gases, over the current baseline.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available under other Federal programs or from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14507 the following:

''14508. Economic and energy development initiative.''.

SEC. 3034. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATION OF AT-RISK COUNTIES.—Section 14526 of title 40, United States Code, is amended—

(1) in the section heading by inserting ''**, AT-RISK,**'' after ''**DISTRESSED**''; and

(2) in subsection (a)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking ''and'' at the end; and

(C) by inserting after subparagraph (A) the following:

''(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 145 of such title is amended by striking the item relating to section 14526 and inserting the following:

''14526. Distressed, at-risk, and economically strong counties.''.

SEC. 3035. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 14703(a) of title 40, United States Code, is amended to read as follows:

''(a) IN GENERAL.—In addition to amounts made available under section 14501, there is authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

''(1) $87,000,000 for fiscal year 2008;

''(2) $100,000,000 for fiscal year 2009;

''(3) $105,000,000 for fiscal year 2010;

''(4) $108,000,000 for fiscal year 2011; and

''(5) $110,000,000 for fiscal year 2012.''.

(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Section 14703(b) of such title is amended to read as follows:

''(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508—

''(1) $12,000,000 for fiscal year 2008;

''(2) $12,500,000 for fiscal year 2009;

''(3) $13,000,000 for fiscal year 2010;

''(4) $13,500,000 for fiscal year 2011; and

''(5) $14,000,000 for fiscal year 2012.''.

(c) ALLOCATION OF FUNDS.—Section 14703 of such title is amended by adding at the end the following:

''(d) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in a State in the Appalachian region pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts appropriated to carry out this subtitle.''.

SEC. 3036. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking ''2007'' and inserting ''2012''.

SEC. 3037. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Metcalfe,'' after ''Menifee,'';

(2) by inserting ''Nicholas,'' after ''Morgan,''; and

(3) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Mahoning,'' after ''Lawrence,''; and

(3) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended by inserting ''Lawrence, Lewis,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

TITLE IV—FOREIGN RELATIONS PROVISIONS

Subtitle A—Senator Paul Simon Study Abroad Foundation Act of 2008

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the ''Senator Paul Simon Study Abroad Foundation Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

SEC. 4003. PURPOSES.

The purposes of this subtitle are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4004. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 4005(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 4005(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 4005(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 4005. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this subtitle;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this subtitle; and

(5) minimize administrative costs and maximize the availability of funds for grants under this subtitle.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 4006. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 4007. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2008, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 4008(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 4006(a)(2)(B) and 4006(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 4006(a)(2)(B) and 4006(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 4006(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 4006(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 4008. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this subtitle;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 4010(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 4009. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 4010. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 4003;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 4005(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 4006;

(4) the extent to which the Foundation is using best practices in the implementation of this subtitle and the administration of the program described in section 4006; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 4011. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle B—Reconstruction and Stabilization Civilian Management Act of 2008

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 4102. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range

of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 4103. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 4104. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

''(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

''(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011, except that the authority may not be exercised to furnish more than $200,000,000 in any such fiscal year.''.

SEC. 4105. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 4103 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this subtitle.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

''(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 4106. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 4105 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 4105 of this Act.

SEC. 4107. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 4108. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 4105 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 4107 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

Subtitle C—Overseas Private Investment Corporation Reauthorization of Act of 2008

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Overseas Private Investment Corporation Reauthorization Act of 2008''.

SEC. 4202. REAUTHORIZATION OF OPIC PROGRAMS.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 4203. REQUIREMENTS REGARDING INTERNATIONALLY RECOGNIZED WORKER RIGHTS.

Subsection (a) of section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(a)) is amended to read as follows:

''(a) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

''(1) IN GENERAL.—The Corporation may insure, reinsure, guaranty, or finance a project only if—

''(A) the country in which the project is to be undertaken is eligible for designation as a beneficiary developing country under the Generalized System of Preferences (19 U.S.C. 2461 et seq.) and has not been determined to be ineligible for such designation on the basis of section 502(b)(2)(G) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(G)) (relating to internationally recognized worker rights), or section 502(b)(2)(H) of such Act (19 U.S.C. 2462(b)(2)(H) (relating to the worst forms of child labor); or

''(B) the country in which the project is to be undertaken is not eligible for designation as a beneficiary country under the Generalized System of Preferences, the government of that country has taken or is taking steps to afford workers in the country (including any designated zone or special administrative region or area in that country) internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974) (19 U.S.C. 2467(4)).

''(2) LIMITATION INAPPLICABLE.—The limitation contained in paragraph (1) shall not apply to providing assistance for humanitarian services.

''(3) USE OF REPORTS.—The Corporation shall, in implementing paragraph (1), consider—

''(A) information contained in the reports required by sections 116(d) and 502B(b) of this Act and the report required by section 504 of the Trade Act of 1974 (19 U.S.C. 2464);

''(B) other relevant sources of information readily available to the Corporation, including observations, reports, and recommendations of the International Labour Organization; and

''(C) information provided in the hearing required under subsection (c).

''(4) CONTRACT LANGUAGE.—The Corporation shall include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide support under this title:

''The investor agrees not to take any actions to obstruct or prevent employees of the foreign enterprise from exercising the employees' internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974) (19 U.S.C. 2467(4)) and the investor agrees to adhere to the obligations regarding those rights. The investor agrees to prohibit discrimination with respect to employment and occupation.

''(5) PREFERENCE TO CERTAIN COUNTRIES.—Consistent with its development objectives, the Corporation shall give preferential consideration to projects in countries that—

''(A) have adopted and maintained, in the country's laws and regulations, internationally recognized worker rights, as well as the elimination of discrimination with respect to employment and occupation; and

''(B) are effectively enforcing those laws.''.

SEC. 4204. PREFERENTIAL CONSIDERATION OF CERTAIN INVESTMENT PROJECTS.

Section 231(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)) is amended to read as follows:

''(f) to the greatest degree practicable and consistent with the goals of the Corporation, to give preferential consideration to investment projects in any less developed country the government of which is receptive to both domestic and foreign private enterprise and to projects in any country the government of which is willing and able to maintain conditions that enable private enterprise to make a full contribution to the development process;''.

SEC. 4205. CLIMATE CHANGE MITIGATION ACTION PLAN.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CLIMATE CHANGE MITIGATION.

''(a) MITIGATION ACTION PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, institute a climate change mitigation action plan that includes the following:

''(1) CLEAN TECHNOLOGY.—

''(A) INCREASING ASSISTANCE.—The Corporation shall establish a goal of substantially increasing its support of projects that use, develop, or otherwise promote the use of clean energy technologies during the 10-year period beginning on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008.

''(B) PREFERENTIAL TREATMENT TO PROJECTS.—The Corporation shall give preferential treatment to evaluating and awarding assistance for, and provide greater flexibility in supporting, projects that use, develop, or otherwise promote the use of clean energy technologies.

''(C) REPORT ON PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report on the plan developed to carry out subparagraph (A). Thereafter, the Corporation shall include in its annual report required under section 240A a discussion of the plan and its implementation.

''(2) ENVIRONMENTAL IMPACT ASSESSMENTS.—

''(A) GREENHOUSE GAS EMISSIONS.—The Corporation shall, in making an environmental impact assessment or initial environmental audit for a project under section 231A(b), also take into account the degree to which the project contributes to the emission of greenhouse gases.

''(B) OTHER DUTIES NOT AFFECTED.—The requirement provided for under subparagraph (A) is in addition to any other requirement, obligation, or duty of the Corporation.

''(3) GOALS FOR REDUCING GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—The Corporation shall continue to maintain—

''(i) a goal for reducing direct greenhouse gas emissions associated with projects in the Corporation's portfolio on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008 by 20 percent during the 10-year period beginning on such date of enactment; and

''(ii) a goal for limiting annual investments in projects that have significant greenhouse gas emissions after such date of enactment in a manner that reduces greenhouse gas emissions associated with projects

in the Corporation's total portfolio by 20 percent during the 10-year period beginning on such date of enactment.

''(B) SPECIAL RULES.—

''(i) BASELINE.—For purposes of determining the percentage by which greenhouse gas emissions are reduced under subparagraph (A), the Corporation shall use the aggregate estimated greenhouse gas emissions for projects in the Corporation's portfolio.

''(ii) SIGNIFICANT GREENHOUSE GAS EMISSIONS PROJECTS.—For purposes of this paragraph, projects that have significant greenhouse gas emissions are projects that result in the emission of more than 100,000 tons of CO_2 equivalent each year.

''(C) REPORTING REQUIREMENTS.—The Corporation shall include, in each annual report required under section 240A, the following information with respect to the period covered by the report:

''(i) The annual greenhouse gas emissions attributable to each project in the Corporation's active portfolio that has significant greenhouse gas emissions.

''(ii) The estimated greenhouse gas emissions for each new project that has significant greenhouse gas emissions for which the Corporation provided insurance, reinsurance, a guaranty, or financing, since the previous report.

''(iii) The extent to which the Corporation is meeting the goals described in subparagraph (A) for reducing greenhouse gas emissions.

''(iv) Each new project for which the Corporation provided insurance, reinsurance, a guaranty, or financing, that involves renewable energy and environmentally beneficial products and services, including increased clean energy technology.

''(b) EXTRACTION INVESTMENTS.—

''(1) PRIOR NOTIFICATION TO CONGRESSIONAL COMMITTEES.—

''(A) IN GENERAL.—The Corporation shall provide notice of consideration of approval of a project described in subparagraph (B) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives not later than 60 days before approval of such project.

''(B) PROJECT DESCRIBED.—A project described in this subparagraph is a Category A project (as defined in section 237(q)(3)) relating to an extractive industry project or any extractive industry project for which the assistance to be provided by the Corporation is valued at $10,000,000 or more (including contingent liability).

''(2) COMMITMENT TO EITI PRINCIPLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Corporation may approve a contract of insurance, reinsurance, a guaranty, or enter into an agreement to provide financing to an eligible investor for a project that significantly involves an extractive industry only if—

''(i) the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria related to the specific project to be carried out; and

''(ii)(I) the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria; or

''(II) the host country where the project is to be carried out has in place or is taking the necessary steps to establish functioning systems for—

''(aa) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported;

''(bb) the independent audit of such revenues and expenditures and the widespread public dissemination of the finding of the audit; and

''(cc) verifying government receipts against company payments, including widespread dissemination of such payment information, and disclosure of such documents as host government agreements, concession agreements, and bidding documents, and allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create a competitive disadvantage.

''(B) EXCEPTION.—If a host country does not meet the requirements of subparagraph (A)(ii) (I) or (II), the Corporation may approve a contract of insurance, reinsurance, or a guaranty, or enter into an agreement to provide financing for a project in the host country if the Corporation determines it is in the foreign policy interest of the United States for the Corporation to provide support for the project in the host country and the host country does not prevent an eligible investor from complying with subparagraph (A)(i).

''(3) PREFERENCE FOR CERTAIN PROJECTS.—With respect to all projects that significantly involve an extractive industry, the Corporation, to the extent practicable and consistent with the Corporation's development objectives, shall give preference to a project in which the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria, and the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

''(4) EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection shall affect the limitations and prohibitions with respect to direct investments described in section 234(c).

''(5) REPORTING REQUIREMENT.—The Corporation shall include in its annual report required under section 240A a description of its activities to carry out this subsection.

''(c) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a host country, will—

''(A) reduce emissions of greenhouse gases; or

''(B) decrease the intensity of energy usage.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; or

''(F) sulfur hexafluoride.

''(3) EXTRACTIVE INDUSTRY.—The term 'extractive industry' refers to an enterprise engaged in the exploration, development, or extraction of oil and gas reserves, metal ores, gemstones, industrial minerals (except rock used for construction purposes), or coal.''.

SEC. 4206. INCREASED TRANSPARENCY.

(a) IN GENERAL.—Paragraph (2) of section 231A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(c)(2)) is amended to read as follows:

''(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. The Corporation shall notice such a hearing at least 20 days in advance. At least 15 days in advance of such hearing the Corporation shall make available a public summary of each project, including information related to workers rights, to be considered at the meeting. The Corporation shall not include any confidential business information in the summary made available under this subsection. Such views shall be made part of the record.''.

(b) ADDITIONAL TRANSPARENCY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is amended by adding at the end the following new subsections:

''(p) REVIEW OF METHODOLOGY.—Not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, the Corporation shall make available to the public the methodology, including relevant regulations, used to assess and monitor the impact of projects supported by the Corporation on employment in the United States and on the development, the environment, and the protection of internationally recognized worker rights, as well as the elimination of discrimination with respect to employment and occupation, in host countries.

''(q) PUBLIC NOTICE PRIOR TO PROJECT APPROVAL.—

''(1) PUBLIC NOTICE.—

''(A) IN GENERAL.—The Board of Directors of the Corporation may not vote in favor of any action proposed to be taken by the Corporation on a Category A project before the date that is 60 days after the Corporation—

''(i) makes available for public comment a summary of the project and relevant information about the project; and

''(ii) such summary and information described in clause (i) has been made available to groups in the area that may be impacted by the proposed project and to nongovernmental organizations in the host country.

''(B) EXCEPTION.—The Corporation shall not include any confidential business information in the summary and information made available under clauses (i) and (ii) of subparagraph (A).

''(2) PUBLISHED RESPONSE.—To the extent practicable, the Corporation shall publish responses to the comments received under paragraph (1)(A)(i) with respect to a Category A project and submit the responses to the Board not later than 7 days before a vote is to be taken on any action proposed by the Corporation on the project.

''(3) CATEGORY A PROJECT DEFINED.—The term 'Category A project' means any project or other activity for which the Corporation proposes to provide insurance, reinsurance, a guaranty, financing, or other assistance under this title and which is likely to have a significant adverse environmental impact.''.

(c) OFFICE OF ACCOUNTABILITY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as amended by subsection (b) of this section, is amended by adding at the end the following new subsection:

''(r) OFFICE OF ACCOUNTABILITY.—The Corporation shall maintain an Office of Accountability to provide, to the maximum extent practicable, upon request, problem-solving services for projects supported by the Corporation and review of the Corporation's compliance with its environmental, social, internationally recognized worker rights, human rights, and transparency policies and procedures. The Office of Accountability shall operate in a manner that is fair, objective, and transparent.''.

SEC. 4207. TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.

(a) IN GENERAL.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

''(1) TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.—

''(1) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—With respect to any investment fund that the Corporation creates on or after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2008, the Corporation may select persons to manage the fund only by contract using competitive procedures that are full and open.

''(2) CRITERIA FOR SELECTION.—In assessing proposals for investment fund management proposals, the Corporation shall consider, in addition to other factors, the following:

''(A) The prospective fund management's experience, depth, and cohesiveness.

''(B) The prospective fund management's track record in investing risk capital in emerging markets.

''(C) The prospective fund management's experience, management record, and monitoring capabilities in the countries in which the management operates, including details of local presence (directly or through local alliances).

''(D) The prospective fund management's experience as a fiduciary in managing institutional capital, meeting reporting requirements, and administration.

''(E) The prospective fund management's record in avoiding investments in companies that would be disqualified under section 239(m).

''(3) ANNUAL REPORT.—The Corporation shall include in each annual report under section 240A an analysis of the investment fund portfolio of the Corporation, including the following:

''(A) FUND PERFORMANCE.—An analysis of the aggregate financial performance of the investment fund portfolio grouped by region and maturity.

''(B) STATUS OF LOAN GUARANTIES.—The amount of guaranties committed by the Corporation to support investment funds, including the percentage of such amount that has been disbursed to the investment funds.

''(C) RISK RATINGS.—The definition of risk ratings, and the current aggregate risk ratings for the investment fund portfolio, including the number of investment funds in each of the Corporation's rating categories.

''(D) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—The number of proposals received and evaluated for each newly established investment fund.''.

(b) GAO REVIEW.—Not later than 1 year after the submission of the first report to Congress under section 240A of the Foreign Assistance Act of 1961 that includes the information required by section 239(l)(3) of that Act (as added by subsection (a) of this section), the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an independent assessment of the investment fund portfolio of the Overseas Private Investment Corporation, covering the items required to be addressed under such section 239(l)(3).

SEC. 4208. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as amended by section 4206, is amended by adding at the end the following:

''(s) PROHIBITION ON ASSISTANCE FOR CERTAIN RAILWAY PROJECTS.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support the development or promotion of a railway connection or railway-related connection that connects Azerbaijan and Turkey without connecting or traversing with Armenia.''.

SEC. 4209. INELIGIBILITY OF PERSONS DOING CERTAIN BUSINESS WITH STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended by—

(1) striking ''and'' at the end of division (m);

(2) by striking the period at the end of division (n) and inserting ''; and''; and

(3) by adding at the end the following:

''(o) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing or any other assistance for a prospective eligible investor who enters, directly or through an affiliate, into certain discouraged transactions with a state sponsor of terrorism.''.

(b) GENERAL PROVISIONS AND POWERS.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by section 4207, is amended by adding at the end the following:

''(m) STATE SPONSOR OF TERRORISM.—

''(1) IN GENERAL.—In order to carry out the policy set forth in section 231(o) of this Act, the Corporation shall require a certification from an officer of a prospective OPIC-supported United States investor that the investor and all affiliates of the in vestor are not engaged in a discouraged transaction with a state sponsor of terrorism.

''(2) DISCOURAGED TRANSACTION.—In this subsection, the term 'discouraged transaction' means any of the following activities:

''(A) An investment commitment of $20,000,000 or more by the investor in the energy sector in a state sponsor of terrorism.

''(B) Any loan, or an extension of credit, to the government of a state sponsor of terrorism by the investor that—

''(i) is outstanding on the date the Corporation enters into a contract with the investor; and

''(ii) that has a value of more than $5,000,000, including the sale of goods for which payment is not required by the purchaser within 45 days.

''(C) The transfer by the investor of goods that are included on the United States Munitions List, referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) to a state sponsor of terrorism within the 3-year period preceding the date the Corporation enters into a contract with the investor.

''(3) EXCEPTION.—An officer of a prospective OPIC-supported United States investor may provide a certification under this subsection notwithstanding the fact that an affiliate of the investor is engaged in a discouraged transaction if the transaction is carried out under a contract or other obligation of the affiliate that was entered into or incurred before the acquisition of such affiliate by the prospective OPIC-supported United States investor or the parent company of the OPIC-supported United States investor.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any person that is directly or indirectly controlled by, under common control with, or controls a prospective OPIC-supported United States investor or the parent company of such investor.

''(B) INVESTMENT COMMITMENT IN THE ENERGY SECTOR OF A STATE SPONSOR OF TERRORISM.—The term 'investment commitment in the energy sector of a state sponsor of terrorism' means any of the following activities if such activity is undertaken pursuant to a commitment, or pursuant to the exercise of rights under a commitment, that was entered into with the government of a state sponsor of terrorism or a nongovernmental entity in a country that is a state sponsor of terrorism:

''(i) The entry into a contract that includes responsibility for the development or transportation of petroleum or natural gas resources located in a country that is a state sponsor of terrorism, or the entry into a contract providing for the general supervision or guaranty of another person's performance of such a contract.

''(ii) The purchase of a share of ownership, including an equity interest, in the development of petroleum or natural resources described in clause (i).

''(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in the development of petroleum or natural resources described in clause (i), without regard to the form of the participation.

''(C) STATE SPONSOR OF TERRORISM.—The term 'state sponsor of terrorism' —

''(i) means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of this Act, or section 40 of the Arms Export Control Act; and

''(ii) does not include Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that providing assistance for projects in such regions will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, such as the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.''.

SEC. 4210. CONGRESSIONAL NOTIFICATION REGARDING MAXIMUM CONTINGENT LIABILITY.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207 and 4209, is amended by adding at the end the following:

''(n) CONGRESSIONAL NOTIFICATION OF INCREASE IN MAXIMUM CONTINGENT LIABILITY.—The Corporation shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 15 days after the date on which the Corporation's maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234(b) and (c), exceeds the Corporation's maximum contingent liability for the preceding fiscal year by 25 percent or more.''.

SEC. 4211. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207, 4209, and 4210, is amended by adding at the end the following:

''(o) OPERATIONS IN IRAQ.—Notwithstanding subsections (a) and (b) of section 237, the Corporation is authorized to undertake in Iraq any program authorized by this title.''.

SEC. 4212. LOW-INCOME HOUSING.

Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, in consultation with appropriate departments, agencies, and instrumentalities of the United States, as well as private entities, on the feasibility of broadening the assistance the Corporation provides to projects that provide support to low-income home buyers. If the Corporation finds

such assistance is feasible, the Corporation shall identify and begin to implement steps to proceed to provide such assistance.

SEC. 4213. ASSISTANCE FOR SMALL BUSINESSES AND ENTITIES.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

''(c) RESOURCES DEDICATED TO SMALL BUSINESSES, COOPERATIVES, AND OTHER SMALL UNITED STATES INVESTORS.—The Corporation shall ensure that adequate personnel and resources, including senior officers, are dedicated to assist United States small businesses, cooperatives, and other small United States investors in obtaining insurance, reinsurance, financing, and other assistance under this title. The Corporation shall include, in each annual report under section 240A, the following information with respect to the period covered by the report:

''(1) A description of such personnel and resources.

''(2) The number of United States small businesses, cooperatives, and other small United States investors that received insurance, reinsurance, financing, and other assistance from the Corporation, and the dollar value of such insurance, reinsurance, financing, and other assistance.

''(3) A description of the projects for which the insurance, reinsurance, financing, and other assistance was provided.''.

SEC. 4214. TECHNICAL CORRECTIONS.

(a) PILOT EQUITY FINANCE PROGRAM.—Section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) TRANSFER AUTHORITY.—Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(c) GUARANTY CONTRACT.—Section 237(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is amended by inserting ''insurance, reinsurance, and'' after ''Each''.

(d) TRANSFER OF PREDECESSOR PROGRAMS AND AUTHORITIES.—

(1) TRANSFER.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by sections 4207, 4209, 4210, and 4211, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (o) as subsections (b) through (n), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 237(m)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(m)(1)) is amended by striking ''239(g)'' and inserting ''239(f)''.

(B) Section 240A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2200A(a)) is amended—

(i) in paragraph (1), by striking ''239(h)'' and inserting ''239(g)''; and

(ii) in paragraph (2)(A), by striking ''239(i)'' and inserting ''239(h)''.

(C) Section 209(e)(16) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 31 U.S.C. 1113 note) is amended by striking ''239(c)'' and ''2199(c)'' and inserting ''239(b)'' and ''2199(b)'', respectively.

(e) ADDITIONAL CLERICAL AMENDMENTS.—Section 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2194(b)) is amended by striking ''235(a)(2)'' and inserting ''235(a)(1)''.

Subtitle D—Tropical Forest and Coral Conservation Reauthorization Act of 2008

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Tropical Forest and Coral Conservation Reauthorization Act of 2008''.

SEC. 4302. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS EXPANDED SCOPE.

(a) IN GENERAL.—Section 801 of the Tropical Forest Conservation Act of 1998 (Public Law 87–195; 22 U.S.C. 2151 note) is amended by striking ''Tropical Forest Conservation Act of 1998'' and inserting ''Tropical Forest and Coral Conservation Act of 2008''.

(b) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ''Tropical Forest Conservation Act of 1998'' shall be deemed to be a reference to the ''Tropical Forest and Coral Conservation Act of 2008''.

SEC. 4303. EXPANSION OF SCOPE OF ACT TO PROTECT FORESTS AND CORAL REEFS.

(a) IN GENERAL.—Section 802 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

(1) in subsections (a)(1), (a)(6), (a)(7), (b)(1), (b)(3), and (b)(4), by striking ''tropical forests'' each place it appears and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems'';

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops'' and inserting ''resources''; and

(B) in subparagraph (C), by striking ''far-flung''; and

(3) in subsection (b)(2)—

(A) by striking ''tropical forests'' the first place it appears and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems'';

(B) by striking ''tropical forests'' the second place it appears and inserting ''areas'';

(C) by striking ''tropical forests'' the third place it appears and inserting ''tropical forests and coral reefs and their associated coastal marine ecosystems''; and

(D) by striking ''that have led to deforestation'' and inserting ''on such countries''.

(b) AMENDMENTS RELATED TO DEFINITIONS.—Section 803 of such Act (22 U.S.C. 2431a) is amended—

(1) in paragraph (5)—

(A) in the heading, by striking ''TROPICAL FOREST'' and inserting ''TROPICAL FOREST OR CORAL REEF'';

(B) in the matter preceding subparagraph (A), by striking ''tropical forest'' and inserting ''tropical forest or coral reef''; and

(C) in subparagraph (B), by striking ''tropical forest'' and inserting ''tropical forest or coral reef''.

(2) by adding at the end the following new paragraphs:

''(10) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthoza; and

''(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

''(11) CORAL REEF.—The term 'coral reef' means any reef or shoal composed primarily of coral.

''(12) ASSOCIATED COASTAL MARINE ECOSYSTEM.—The term 'associated coastal marine ecosystem' means any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.''.

SEC. 4304. CHANGE TO NAME OF FACILITY.

(a) IN GENERAL.—Section 804 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431b), as renamed by section 4302(a), is amended by striking ''Tropical Forest Facility'' and inserting ''Conservation Facility''.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(8) of such Act (22 U.S.C. 2431a(8)) is amended—

(1) in the heading, by striking ''TROPICAL FOREST FACILITY'' and inserting ''CONSERVATION FACILITY''; and

(2) by striking ''Tropical Forest Facility'' both places it appears and inserting ''Conservation Facility''.

(c) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ''Tropical Forest Facility'' shall be deemed to be a reference to the ''Conservation Facility''.

SEC. 4305. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431c(a)), as renamed by section 4302(a), is amended by striking ''tropical forest'' and inserting ''tropical forest or coral reef''.

SEC. 4306. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT-BUYBACKS.

Section 808(a)(5) of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431f(a)(5)), as renamed by section 4302(a), is amended by adding at the end the following new subparagraph:

''(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government may serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buy-back regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.''.

SEC. 4307. CONSERVATION AGREEMENTS.

(a) RENAMING OF AGREEMENTS.—Section 809 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431g), as renamed by section 4302(a), is amended—

(1) in the section heading, by striking ''tropical forest agreement'' and inserting ''conservation agreement''; and

(2) in subsection (a)—

(A) by striking ''AUTHORITY'' and all that follows through ''(1) IN GENERAL.—The Secretary'' and inserting ''AUTHORITY.—The Secretary''; and

(B) by striking ''Tropical Forest Agreement'' and inserting ''Conservation Agreement''.

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking ''in exceptional circumstances, the government of the beneficiary country'' and inserting ''in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reefs or associated coastal marine ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)''; and

(2) by amending subsection (f) to read as follows:

''(f) REVIEW OF LARGER GRANTS.—Any grant of more than $250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2)(A)(i), by inserting ''to serve in an official capacity'' after ''Government'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''tropical forests'' and inserting ''tropical forests and coral reefs and associated coastal marine ecosystems related to such coral reefs'';

(B) in paragraph (5), by striking ''tropical forest''; and

(C) in paragraph (6), by striking ''living in or near a tropical forest in a manner consistent with protecting such tropical forest'' and inserting ''dependent on a tropical forest or coral reef or an associated coastal marine ecosystem related to such coral reef and related resources in a manner consistent with conserving such resources''.

(e) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(7) of such Act (22 U.S.C. 2431a(7)) is amended—

(1) in the heading, by striking ''TROPICAL FOREST AGREEMENT'' and inserting ''CONSERVATION AGREEMENT''; and

(2) by striking ''Tropical Forest Agreement'' both places it appears and inserting ''Conservation Agreement''.

SEC. 4308. CONSERVATION FUND.

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431h), as renamed by section 4302(a), is amended—

(1) in the section heading, by striking ''**TROPICAL FOREST FUND**'' and inserting ''**CONSERVATION FUND**''; and

(2) in subsection (a)—

(A) by striking ''Tropical Forest Agreement'' and inserting ''Conservation Agreement''; and

(B) by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking ''TROPICAL FOREST FUND'' and inserting ''CONSERVATION FUND''; and

(B) by striking ''Tropical Forest Fund'' both places it appears and inserting ''Conservation Fund'';

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking ''Tropical Forest Fund'' and inserting ''Conservation Fund''.

SEC. 4309. REPEAL OF AUTHORITY OF THE ENTERPRISE FOR THE AMERICAS BOARD TO CARRY OUT ACTIVITIES UNDER THE FOREST AND CORAL CONSERVATION ACT OF 2008.

(a) IN GENERAL.—Section 811 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431i), as renamed by section 4302(a), is repealed.

(b) CONFORMING AMENDMENTS.—Section 803 of such Act (22 U.S.C. 2431a), as renamed by section 4302(a), is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

SEC. 4310. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

Section 813 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431k), as renamed by section 4302(a), is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—Not later than December 31'' and inserting ''Not later than April 15'';

(B) by striking ''Facility'' both places it appears and inserting ''Conservation Facility''; and

(C) by striking ''fiscal year'' both places it appears and inserting ''calendar year''; and

(2) by striking subsection (b).

SEC. 4311. CHANGES TO INTERNATIONAL MONETARY FUND CRITERION FOR COUNTRY ELIGIBILITY.

Section 703(a)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2430b(a)(5)) is amended—

(1) by striking ''or, as appropriate in exceptional circumstances,'' and inserting ''or'';

(2) in subparagraph (A)—

(A) by striking ''or in exceptional circumstances, a Fund monitored program or its equivalent,'' and inserting ''or a Fund monitored program, or is implementing sound macroeconomic policies,''; and

(B) by striking ''(after consultation with the Enterprise for the Americas Board)''; and

(3) in subparagraph (B), by striking ''(after consultation with the Enterprise for Americas Board)''.

SEC. 4312. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

Section 806 of the Tropical Forest and Coral Conservation Act of 2008 (22 U.S.C. 2431d), as renamed by section 4302(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

''(7) $30,000,000 for fiscal year 2008.

''(8) $30,000,000 for fiscal year 2009.

''(9) $30,000,000 for fiscal year 2010.''; and

(2) by amending subsection (e) to read as follows:

''(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, $300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring and administration.''

Subtitle E—Torture Victims Relief Reauthorization Act of 2008

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''Torture Victims Relief Reauthorization Act of 2008''.

SEC. 4402. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2008 and 2009, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 4403. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for each of the fiscal years 2008 and 2009.''.

SEC. 4404. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Section 6(a) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 2008 and 2009 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $12,000,000 for each of the fiscal years 2008 and 2009.''.

Subtitle F—Support for the Museum of the History of Polish Jews Act of 2008

SEC. 4501. SHORT TITLE.

This subtitle may be cited as the ''Support for the Museum of the History of Polish Jews Act of 2008''.

SEC. 4502. FINDINGS.

Congress finds the following:

(1) Current and future generations benefit greatly by visible reminders and documentation of the historical and cultural roots of their society.

(2) It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of United States citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage.

(3) According to the 2000 United States Census, nearly 9,000,000 Americans are of Polish ancestry.

(4) At the beginning of World War II, Poland had the largest Jewish population in Europe.

(5) In 1996, Yeshayahu Weinberg, a founding director of Tel Aviv's Diaspora Museum and the United States Holocaust Memorial Museum, created an international team of experts with the goal of establishing a Museum of the History of Polish Jews.

(6) The Museum of the History of Polish Jews will preserve and present the history of the Jewish people in Poland and the wealth of their culture spanning a period of 1,000 years.

(7) In 1997, the City of Warsaw donated a parcel of land, opposite the Warsaw Ghetto Uprising Memorial, for the explicit use for the Museum of the History of Polish Jews.

(8) In 2005, the Government of Poland and the City of Warsaw agreed to provide 40,000,000 Polish zlotys for the construction of the Museum of the History of Polish Jews.

(9) In 2005, an international architectural competition selected a Finnish firm to design the building for the Museum of the History of Polish Jews.

(10) In 2006, the building for the Museum of the History of Polish Jews moved into the last phase of project design.

SEC. 4503. ASSISTANCE FOR THE MUSEUM OF THE HISTORY OF POLISH JEWS.

(a) AUTHORITY.—The Secretary of State is authorized to provide not more than $5,000,000 in assistance, on such terms and conditions as the Secretary may specify, to fund the establishment of, and maintain the permanent collection of, the Museum of the History of Polish Jews.

(b) EXPIRATION.—The authority under subsection (a) shall expire on October 1, 2010.

TITLE V—COMMERCE, SCIENCE, AND TRANSPORTATION PROVISIONS

Subtitle A—Communications

PART I—BROADBAND DATA IMPROVEMENT ACT

SEC. 5101. SHORT TITLE.

This part may be cited as the ''Broadband Data Improvement Act''.

SEC. 5102. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 5103. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

(G) any other information the Commission deems appropriate for such purpose.

(2) PUBLIC AVAILABILITY.—The Commission shall make publicly available the results of surveys conducted under this subsection at least once per year.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

(e) PROPRIETARY INFORMATION.—Nothing in this part shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this part be construed to compel the Commission to make publicly available any proprietary information.

SEC. 5104. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 5105. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 5106. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING; BROADBAND INVENTORY MAP.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this part and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an entity that is either—

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this part any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

PART II—TRAINING FOR REALTIME WRITERS ACT OF 2007

SEC. 5111. SHORT TITLE.

This part may be cited as the ''Training for Realtime Writers Act of 2007''.

SEC. 5112. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 713 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission began enforcing rules requiring full closed captioning of most English television programming on January 1, 2006.

(2) The Federal Communications Commission rules also require that video programming be fully captioned in Spanish by 2010.

(3) More than 30,000,000 Americans are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(4) The National Institute on Deafness and other Communication Disorders estimates that 1 in 3 Americans over the age of 60 has already experienced hearing loss. The 79,000,000 Americans who are identified as ''baby boomers'' represent 39 percent of the population of the United States and most baby boomers began to reach age 60 just in the last few years.

(5) Closed captioning is a continuous source of emergency information for people in mass transit and other congregate settings.

(6) Empirical research studies since 1988 demonstrate that captions improve the performance of individuals learning to read English.

SEC. 5113. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The Assistant Secretary for Information and Communications of the Department of Commerce shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Assistant Secretary that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Assistant Secretary shall give a priority to eligible entities that, as determined by the Assistant Secretary—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the 2-year period of the grant under subsection (d).

SEC. 5114. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 5113, an eligible entity shall submit an application to the Assistant Secretary at such time and in such manner as the Assistant Secretary may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 5113 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 5113(c).

(7) Such other information as the Assistant Secretary may require.

SEC. 5115. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 5113 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further developing and implementing both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentoring students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encouraging individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for all such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for a period of time appropriate (as determined by the Assistant Secretary or the Assistant Secretary's designee) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Assistant Secretary or the Assistant Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment or other material terms under subsection (b)(2). Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 5113 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Assistant Secretary shall use not more than 5 percent of the amount available for grants under this part in any fiscal year for administrative costs of the program.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this part shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 5116. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 5113 shall submit to the Assistant Secretary, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 5114(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

(c) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.

SEC. 5117. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Commerce to carry out this part $20,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

SEC. 5118. SUNSET.

This part is repealed 5 years after the date of the enactment of this Act.

Subtitle B—Oceans

PART I—HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

SEC. 5201. SHORT TITLE.

This part may be cited as the ''Hydrographic Services Improvement Act Amendments of 2008''.

SEC. 5202. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892) is amended by striking paragraphs (3), (4), and (5) and inserting the following:

''(3) HYDROGRAPHIC DATA.—The term 'hydrographic data' means information that—

''(A) is acquired through—

''(i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;

''(ii) geodetic, geospatial, or geomagnetic measurements;

''(iii) tide, water level, and current observations; or

''(iv) other methods; and

''(B) is used in providing hydrographic services.

''(4) HYDROGRAPHIC SERVICES.—The term 'hydrographic services' means—

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

''(B) the development of nautical information systems; and

''(C) related activities.

''(5) COAST AND GEODETIC SURVEY ACT.—The term 'Coast and Geodetic Survey Act' means the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

SEC. 5203. FUNCTIONS OF THE ADMINISTRATOR.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a) is amended—

(1) by striking ''the Act of 1947,'' in subsection (a) and inserting ''the Coast and Geodetic Survey Act, promote safe, efficient and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,'';

(2) by striking ''data;'' in subsection (a)(1) and inserting ''data and provide hydrographic services;'' and

(3) by striking subsection (b) and inserting the following:

''(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations, the Administrator—

''(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

''(2) shall, subject to the availability of appropriations, design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency; and

''(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, may acquire hydrographic data and provide hydrographic

services to support the conservation and management of coastal and ocean resources;

''(4) where appropriate, may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and manmade disasters, and homeland security and maritime domain awareness needs, including obtaining mission assignments (as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741));

''(5) may create, support, and maintain such joint centers with other Federal agencies and other entities as the Administrator deems appropriate or necessary to carry out the purposes of this Act; and

''(6) notwithstanding the existence of such joint centers, shall award contracts for the acquisition of hydrographic data in accordance with subchapter VI of chapter 10 of title 40, United States Code.''.

SEC. 5204. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 305(c)(1)(A) of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c(c)(1)(A)) is amended to read as follows:

''(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Center for Coastal and Ocean Mapping/Joint Hydrographic Center and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, marine transportation, port administration, vessel pilotage, coastal and fishery management, and other disciplines as determined appropriate by the Administrator.''.

SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

''SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator the following:

''(1) To carry out nautical mapping and charting functions under sections 304 and 305, except for conducting hydrographic surveys—

''(A) $55,000,000 for fiscal year 2009;

''(B) $56,000,000 for fiscal year 2010;

''(C) $57,000,000 for fiscal year 2011; and

''(D) $58,000,000 for fiscal year 2012.

''(2) To contract for hydrographic surveys under section 304(b)(1), including the leasing or time chartering of vessels—

''(A) $32,130,000 for fiscal year 2009;

''(B) $32,760,000 for fiscal year 2010;

''(C) $33,390,000 for fiscal year 2011; and

''(D) $34,020,000 for fiscal year 2012.

''(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

''(A) $25,900,000 for fiscal year 2009;

''(B) $26,400,000 for fiscal year 2010;

''(C) $26,900,000 for fiscal year 2011; and

''(D) $27,400,000 for fiscal year 2012.

''(4) To carry out geodetic functions under this title—

''(A) $32,640,000 for fiscal year 2009;

''(B) $33,280,000 for fiscal year 2010;

''(C) $33,920,000 for fiscal year 2011; and

''(D) $34,560,000 for fiscal year 2012.

''(5) To carry out tide and current measurement functions under this title—

''(A) $27,000,000 for fiscal year 2009;

''(B) $27,500,000 for fiscal year 2010;

''(C) $28,000,000 for fiscal year 2011; and

''(D) $28,500,000 for fiscal year 2012.

''(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.''.

SEC. 5206. AUTHORIZED NOAA CORPS STRENGTH.

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''Effective October 1, 2009, the total number of authorized commissioned officers on the lineal list of the commissioned corps of the National Oceanic and Atmospheric Administration shall be increased from 321 to 379 if—

''(1) the Secretary has submitted to the Congress—

''(A) the Administration's ship recapitalization plan for fiscal years 2010 through 2024;

''(B) the Administration's aircraft remodernization plan; and

''(C) supporting workforce management plans;

''(2) appropriated funding is available; and

''(3) the Secretary has justified organizational needs for the commissioned corps for each such fiscal year.''

PART II—OCEAN EXPLORATION

Subpart A—Exploration

SEC. 5211. PURPOSE.

The purpose of this subpart is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 5212. PROGRAM ESTABLISHED.

The Administrator or the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 5213. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 5212, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 5215;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 5214. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this subpart and subpart B of this part;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 5215. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 5213(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in subpart supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 5216. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subpart—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

Subpart B—NOAA Undersea Research Program Act of 2008

SEC. 5221. SHORT TITLE.

This subpart may be cited as the ''NOAA Undersea Research Program Act of 2008''.

SEC. 5222. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 5223. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 5224. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 5225. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 5226. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 5224 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 5227. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

PART III—OCEAN AND COASTAL MAPPING INTEGRATION ACT

SEC. 5231. SHORT TITLE.

This part may be cited as the ''Ocean and Coastal Mapping Integration Act''.

SEC. 5232. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the

Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 5233. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 5232.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this part. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 5234. BIANNUAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biannually thereafter, the co-chairmen of the Committee shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this part, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this part that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 5235. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this part, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences

for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 5236. EFFECT ON OTHER LAWS.

Nothing in this part shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 5237. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this part—

(1) $26,000,000 for fiscal year 2009;

(2) $32,000,000 for fiscal year 2010;

(3) $38,000,000 for fiscal year 2011; and

(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 5235(c) of this part:

(1) $11,000,000 for fiscal year 2009.

(2) $12,000,000 for fiscal year 2010.

(3) $13,000,000 for fiscal year 2011.

(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 5233 of this part, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 5238. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Ocean Mapping Committee established by section 5233.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term ''nongovernmental entities'' includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

PART IV—NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2008

SEC. 5241. SHORT TITLE.

This part may be cited as the ''National Sea Grant College Program Amendments Act of 2008''.

SEC. 5242. REFERENCES.

Except as otherwise expressly provided therein, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 5243. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—

(1) by striking subparagraphs (D) and (E) of paragraph (1) and inserting the following:

''(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

''(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and'';

(2) by striking ''program of research, education,'' in paragraph (2) and inserting ''program of integrated research, education, extension,''; and

(3) by striking paragraph (6) and inserting the following:

''(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.''.

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking ''to promote research, education, training, and advisory service activities'' and inserting ''to promote integrated research, education, training, and extension services and activities''.

(c) TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting ''management,'' after ''development,'' each place it appears.

SEC. 5244. DEFINITIONS.

(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by inserting ''management,'' after ''development,'';

(2) in paragraph (11) by striking ''advisory services'' and inserting ''extension services''; and

(3) in each of paragraphs (12) and (13) by striking ''(33 U.S.C. 1126)''.

(b) REPEAL.—Section 307 of the Act entitled ''An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary'' (Public Law 102–251; 106 Stat. 66) is repealed.

SEC. 5245. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1123(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;'';

(2) by amending paragraph (2) to read as follows:

''(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;''; and

(3) by amending paragraph (4) to read as follows:

''(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.''.

(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking ''Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the'' and inserting ''The''.

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking ''long range'';

(2) in paragraph (3)(A)—

(A) by striking ''(A)(i) evaluate'' and inserting ''(A) evaluate and assess'';

(B) by striking ''activities; and'' and inserting ''activities;''; and

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

''(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);'';

(B) in clause (iii) (as so redesignated) by striking ''encourage'' and inserting ''ensure'';

(C) in clause (iv) (as so redesignated) by striking ''and'' after the semicolon;

(D) by inserting after clause (v) (as so redesignated) the following:

''(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and''.

SEC. 5246. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking ''204(c)(4)(F).'' in subsection (a) and inserting ''204(c)(4)(F) or that are appropriated under section 208(b).''; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

''The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.''.

SEC. 5247. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking ''advisory services'' and inserting ''extension services''.

SEC. 5248. FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking ''Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,'' in subsection (a) and inserting ''Every 2 years,''; and

(2) by adding at the end the following:

''(c) Restriction on Use of Funds.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.''

SEC. 5249. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

''SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

''(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.''.

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

''(9) The term 'Board' means the National Sea Grant Advisory Board established under section 209.'';

(C) OTHER PROVISIONS.—The following provisions are each amended by striking ''panel'' each place it appears and inserting ''Board'':

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

''(b) DUTIES.—

''(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

''(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

''(B) the designation of sea grant colleges and sea grant institutes; and

''(C) such other matters as the Secretary refers to the Board for review and advice.

''(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.''.

(c) MEMBERSHIP, TERMS, AND POWERS.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting ''coastal management,'' after ''resource management,''; and

(2) by inserting ''management,'' after ''development,''.

(d) EXTENSION OF TERM.—Section 209(c)(3) (33 U.S.C. 1128(c)(3)) is amended by striking the second sentence and inserting the following: ''The Director may extend the term of office of a voting member of the Board once by up to 1 year.''.

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

''(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.''.

SEC. 5250. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following: ''

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $72,000,000 for fiscal year 2009;

''(B) $75,600,000 for fiscal year 2010;

''(C) $79,380,000 for fiscal year 2011;

''(D) $83,350,000 for fiscal year 2012;

''(E) $87,520,000 for fiscal year 2013; and

''(F) $91,900,000 for fiscal year 2014.'';

(2) in subsection (a)(2)—

(A) by striking ''fiscal years 2003 through 2008—'' and inserting ''fiscal years 2009 through 2014—'';

(B) by striking ''biology and control of zebra mussels and other important aquatic'' in subparagraph (A) and inserting ''biology, prevention, and control of aquatic''; and

(C) by striking ''blooms, including Pfiesteria piscicida; and'' in subparagraph (C) and inserting ''blooms; and'';

(3) in subsection (c)(1) by striking ''rating under section 204(d)(3)(A)'' and inserting ''performance assessments''; and

(4) by striking subsection (c)(2) and inserting the following:

''(2) regional or national strategic investments authorized under section 204(b)(4);''.

PART V—INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM ACT OF 2008

SEC. 5261. SHORT TITLE.

This part may be cited as the ''Integrated Coastal and Ocean Observation System Act of 2008''.

SEC. 5262. PURPOSES.

The purposes of this part are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 5263. DEFINITIONS.

In this part:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 5264(c)(2).

(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 5264(c)(3) of this part and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term ''regional information coordination entity'' includes regional associations described in the System Plan.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under section 5264.

(9) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan'', as updated by the Council under this part.

SEC. 5264. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 5262 of this part and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this part, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this part and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this part, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this part and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this part on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this part and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this part, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this part and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this part, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 5262;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this part, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this part shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 5265. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this part, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this part and fulfillment of the System Plan.

SEC. 5266. APPLICATION WITH OTHER LAWS.

Nothing in this part supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 5267. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this part.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this part and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 5268. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 5269. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

SEC. 5270. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this part shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter

into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 5271. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this part and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

PART VI—FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING ACT OF 2008

SEC. 5281. SHORT TITLE.

This part may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2008'' or the ''FOARAM Act''.

SEC. 5282. PURPOSES.

(a) PURPOSES.—The purposes of this part are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 5283. DEFINITIONS.

In this part:

(1) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term ''Subcommittee'' means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 5284. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 5285 of this part and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 5285 of this part.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 5285.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 5285 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 5285. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input,

and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 5286. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 5285 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this part, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this part, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this part on such terms as the Secretary considers appropriate.

SEC. 5287. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 5285.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 5288. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 5285.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 5289. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this part—

(1) $8,000,000 for fiscal year 2009;
(2) $12,000,000 for fiscal year 2010;
(3) $15,000,000 for fiscal year 2011; and
(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this part—

(1) $6,000,000 for fiscal year 2009;
(2) $8,000,000 for fiscal year 2010;
(3) $12,000,000 for fiscal year 2011; and
(4) $15,000,000 for fiscal year 2012.

TITLE VI—HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS PROVISIONS

Subtitle A—National Capital Transportation Amendments Act of 2008

SEC. 6101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the ''National Capital Transportation Amendments Act of 2008''.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 6102. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9—1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89—774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized

under this subtitle for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

Subtitle B—Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act''.

SEC. 6202. ESTABLISHMENT OF NATIONAL DATABASE.

(a) IN GENERAL.—The Archivist of the United States shall preserve relevant records and establish, as part of the National Archives, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including Refugees, Freedman and Abandoned Lands Records, the Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—The database established under this section shall be maintained by the National Archives or an entity within the National Archives designated by the Archivist.

SEC. 6203. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES.

(a) IN GENERAL.—The National Historical Publications and Records Commission of the National Archives shall provide grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—The databases established using grants provided under this section shall be maintained by appropriate agencies or institutions designated by the National Historical Publications and Records Commission.

SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 to implement section 6202; and

(2) $5,000,000 to provide grants under section 6203.

Subtitle C—Predisaster Hazard Mitigation Act of 2008

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Predisaster Hazard Mitigation Act of 2008''.

SEC. 6302. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

''(f) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

''(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

''(A) is not less than the lesser of—

''(i) $575,000; or

''(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

''(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $210,000,000 for fiscal year 2009;

''(2) $230,000,000 for fiscal year 2010; and

''(3) $250,000,000 for fiscal year 2011.''.

SEC. 6303. FLOOD CONTROL PROJECTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''flood control project''—

(A) means a project relating to the repair or rehabilitation of a levee the construction of which has been completed before the date of enactment of this Act that is—

(i) Federally constructed; or

(ii) a non-Federal levee the owners of which are participating in the emergency response to natural disasters program established under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n); and

(B) does not include any project the maintenance of which is the responsibility of a Federal department or agency, including the Corps of Engineers.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review the guidance issued by the Federal Emergency Management Agency relating to the eligibility of flood control projects under the predisaster mitigation program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

(2) CONTENTS.—As part of the review under this subsection, the Administrator shall—

(A) request proposals for potential flood control projects from not less than 5 States in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) relating to flooding during the 1-year period ending on the date of enactment of this Act;

(B) develop additional criteria for selection of States under subparagraph (A), which shall be reviewed by the Government Accountability Office;

(C) evaluate the cost-effectiveness of proposals received under subparagraph (A); and

(D) review the report by the Committee on Levee Safety required under section 9003(c)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 3302(c)(2)).

(c) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Administrator completes the review required under subsection (b)(1), the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review under subsection (b)(1) of the suitability of using funds under the predisaster mitigation program for flood control projects, including any recommendations for changes to the administrative guidance of the Federal Emergency Management Agency.

(2) GAO REPORT.—Not later than 240 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report assessing the criteria developed by the Administrator under subsection (b)(2)(B).

(d) PILOT PROJECT.—

(1) IN GENERAL.—After the Administrator completes the review required under subsection (b)(1), the Administrator may make grants for not more than 5 flood control

projects during fiscal year 2010, selected from among proposals submitted to the Administrator in response to the request under subsection (b)(2)(A). The selection of projects under this subsection by the Administrator shall be consistent with section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by this Act.

(2) OTHER CRITERIA.—The projects selected under this subsection shall meet the criteria under subsections (b), (e), and (g) of section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

SEC. 6304. TECHNICAL AND CONFORMING AMENDMENTS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a), by striking paragraph (7) and inserting the following:

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''; and

(2) by striking ''Director'' each place it appears and inserting ''Administrator'', except—

(A) the second and fourth place it appears in section 622(c);

(B) in section 622(d); and

(C) in section 626(b).

TITLE VII—RULES AND ADMINISTRATION PROVISIONS

SEC. 7001. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

By Mr. GRASSLEY:

S. 3300. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Rural Hospital Act of 2008. Back in December, I stood before this body explaining that we were only passing a 6-month Medicare bill in order to provide the opportunity for us to address a number of priorities. One of the biggest priorities I identified was the need to ensure access to rural hospital services.

The type of rural hospitals that top the priority list are what are known as ''tweeners.'' These hospitals are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. It is absolutely imperative that these tweener hospitals get the assistance they need in order to keep their doors open. They are often not only the sole provider of health care in rural areas but are also significant employers and purchasers in the community. Also, the presence of a hospital is essential for purposes of economic development because businesses check to see if a hospital is in the community in which they might set up shop.

While the Medicare bill that Congress just enacted improves the situation for some tweeners, many more are left in financial peril. It is unfortunate that comprehensive payment reforms for tweener hospitals were not included in the bill that just passed. As you know, I have long proposed a number of tweener payment improvements in previous bills this Congress and they were included in the agreement that Senator BAUCUS and I reached for this year's Medicare bill. Unfortunately, the core tweener hospital payment improvements were dropped from the bill once the process became partisan.

It is for this reason that I am introducing this bill. We must improve the financial health of tweener hospitals and ensure that people have access to health care.

Most tweener hospitals are currently designated as Medicare Dependent Hospitals and Sole Community Hospitals under the Medicare program. While the bill that recently passed Congress improves payments for Sole Community Hospitals, there are no provisions that benefit Medicare Dependent Hospitals. This bill would benefit Medicare Dependent Hospitals by not adjusting their payments for area wages unless it would result in improved payments.

Also, a major driver of the financial difficulties that tweener hospitals face is the fact that many have relatively low volumes of inpatient admissions. Back when we passed the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I made sure that this law included an add-on payment for low volume rural hospitals. This bill would improve the existing low-volume add-on payment for hospitals so that more rural facilities, both Medicare Dependent Hospitals and Sole Community Hospitals, with low volumes would receive the assistance they desperately need.

To offset the increases in spending from these tweener hospital payment improvements, this bill would address another priority that we wanted to include in a more comprehensive Medicare bill. Many know my position regarding physician owned hospitals and my concern about the effect these facilities have on health care access and costs as well as patient safety. There has been much debate regarding these facilities over the years, especially with physician owned limited service hospitals. This bill would eliminate the exceptions under the physician self-referral laws for physician-owned hospitals and provide a limited exception for existing facilities.

As you can see, we still have much to do when it comes to ensuring access to health care in rural America. I look forward to working with my colleagues on this urgent matter.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3304. A bill to designate the North Palisade in the Sierra Nevada in the State of California as ''Brower Palisade'' in honor of the late David Brower; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and my colleague Senator BOXER to introduce the Brower Palisade Designation Act and honor the life of one of our Nation's most influential environmental stewards, the late David Brower.

The Brower Palisade Designation Act renames the North Palisade—a prominent peak in the Sierra Nevada—''Brower Palisade'' in his honor.

David Brower dedicated his life to environmental advocacy and helped shape the conservation movement in California and across the Nation.

His efforts raised public awareness about the environment and the need to preserve our resources for future generations.

Former Secretary of the Interior Stewart Udall once referred to David Brower as the ''giant of 20th Century conservation in the United States.''

In 1952, David Brower was named the first executive director of the Sierra Club, one of the most prominent environmental and conservation organizations in the U.S. He held this position for nearly 2 decades.

David Brower's leadership led to the creation of many units of the National Park System, including North Cascades National Park, Redwood National Park and Point Reyes National Seashore.

He also played a significant role in helping to draft the Wilderness Act, which has preserved much of the Sierra Nevada, including his favorite group peaks, the Palisades.

Renaming the North Palisade peak ''Brower Palisade'' will be a lasting reminder of David Brower's leadership and invaluable contributions to the environmental community for generations to come.

I encourage my colleagues to support the Brower Palisade Designation Act and join me in honoring the achievements of one of our most notable environmental advocates, David Brower.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brower Palisade Designation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) David Brower dedicated his life to environmental advocacy and was 1 of the most notable environmental stewards of the United States;

(2) former Secretary of the Interior Stewart Udall referred to David Brower as the

''giant of 20th Century conservation in the United States'';

(3) David Brower was nominated for the Nobel Peace Prize 3 times;

(4) David Brower was named the first executive director of the Sierra Club, 1 of the most prominent environmental and conservation organizations in the United States;

(5) the efforts of David Brower led to the creation of many units of the National Park System, including North Cascades National Park, Redwood National Park, and Point Reyes National Seashore;

(6) the leadership of David Brower helped protect the Grand Canyon National Park and Dinosaur National Monument;

(7) David Brower played a important role in drafting the Wilderness Act (16 U.S.C. 1131 et seq.), which has protected much of the Sierra Nevada;

(8) David Brower revolutionized rock-climbing and mountaineering in the United States and is credited with more than 70 first ascents of Sierra Nevada peaks;

(9) David Brower made the first winter ascent of North Palisade and the first ascent of the Northwest Ridge of the peak; and

(10) the Palisade group of peaks, on the border of Kings Canyon National Park and Inyo National Forest, was David Brower's favorite part of the Sierra Nevada.

SEC. 3. DESIGNATION OF BROWER PALISADE.

(a) DESIGNATION.—The North Palisade, a prominent peak in the Palisade group of peaks in the Sierra Nevada bordering Kings Canyon National Park and the Inyo National Forest in the State of California, shall be known and designated as the ''Brower Palisade''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the peak described in subsection (a) shall be deemed to be a reference to the Brower Palisade.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Mrs. CLINTON, Mrs. MURRAY, and Mr. WYDEN):

S. 3308. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Rules and Administration.

Mr. President, I am pleased to be an original cosponsor of the Veteran Voting Support Act, which Senator FEINSTEIN and Senator KERRY have introduced today.

This bill will address an issue of great concern to me and to so many Americans: the rights of Americans who fight to defend our values and freedoms abroad must have the full enjoyment of those rights here at home. This legislation responds to an announcement by the Bush administration's Department of Veterans Affairs that it will ban non-partisan organizations and state election officials from conducting voter registration drives at its facilities.

It is a sad commentary that in our great Nation, so many of our young veterans who have been treated shamefully by their government when it sent them into harm's way under false pretenses are again mistreated after they return home. Our troops were sent to fight an unnecessary war in Iraq—without sufficient armor, without adequate reinforcements, without a plan to win the peace, and without adequate medical care and other services to help them adapt to life upon their return.

Given this President's obsession with democracy taking root in the Middle East, I would think that at a minimum he would be equally concerned with guaranteeing the right to vote to veterans returning home after risking life and limb spreading that right to others. Yet, his administration has done just the opposite. Under this President's watch, the Department of Veteran Affairs has erected barriers to voter registration that impede veterans being treated in VA facilities from participating in the political process.

First, this administration's Department of Veteran Affairs has shown little interest in, or commitment to, assisting veterans in exercising the fundamental right to vote. Since 2004, the Department has often sided in Federal court against allowing third-party organizations to conduct voter registration drives at VA hospitals. Until this past April, the Department's national policy was silent on whether it could assist disabled veterans access and complete voter registration forms. Indeed, court findings appear to indicate that in some instances, the Department may have even prohibited its own staff from providing such assistance.

Second, although the Department has made recent strides to allow veterans more access to voter registration forms, it has not gone far enough. Three months ago, the Department issued a written directive' requiring all VA facilities to develop voter registration plans that would assist patients in registering to vote. I applaud this action as a positive first step. However, I am concerned that the new directive stops short of mandating that VA facilities affirmatively offer disabled veterans a chance to register to vote. To paraphrase Paul Sullivan, the Executive Director of Veterans for Commonsense, the new directive only changed the Department from being in active opposition to veterans' voter registration to passively supporting it.

Third, and perhaps most troubling, the new directive prohibits third-party organizations and state election officials from conducting nonpartisan voter registration drives among veterans at VA facilities. I am concerned that this ban will not only undermine the Department's goal of assisting disabled veterans in registering and voting, but will also make it more difficult for these Americans to participate in the political process.

The Veterans Voting Support Act would address these concerns. This important measure would designate VA facilities as voter registration agencies, thereby ensuring that the Department actively offers veterans the assistance they need to vote and register to vote. This provision would also protect disabled veterans from being disenfranchised by a procedural technicality. In addition, the bill provides our veterans with information relating to the opportunity to request an absentee ballot, ensure the ballots are available upon request, as well as provide assistance in completing them.

It would also require a meaningful opportunity for nonpartisan groups and election officials to provide voter registration information and assistance at VA hospitals. The Department was founded on the principle that its first duty to veterans was to meet their medical, social, and civic needs, including the full participation of veterans in our society. As a corollary, this provision will strengthen that mandate and send an important message to our veterans: our country will make every effort to ensure that those who sacrificed so much to expand democracy around the globe are involved in our democracy at home.

Finally, to ensure that the Department does not backslide from its critical function of expanding the civic involvement of disabled veterans, the bill also provides reporting requirements to ensure that the Department complies with this important goal.

The Nation's disabled veterans have given extraordinary service to our country. These courageous men and women deserve our help to ensure that they receive the necessary assistance to guarantee their full participation in our democracy. I look forward to Senate passage of the Veterans Voting Support Act, and I hope the House and the President will act quickly on this legislation to ensure the implementation of this important measure in time for the upcoming national election.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 617—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF ERIC NORD, CO-FOUNDER OF THE NORDSON CORPORATION, INNOVATIVE BUSINESSMAN AND ENGINEER, AND GENEROUS OHIO PHILANTHROPIST

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 617

Whereas Eric Nord, an Amherst, Ohio, native was born on November 8, 1917;

Whereas Eric Nord graduated from Amherst High School in 1935 and received a bachelor of science in mechanical engineering from the Case Institute of Technology, now known as Case Western Reserve University;

Whereas Eric Nord co-founded Ohio-based Nordson Corporation with his father and brother;

Whereas Eric Nord served as President of Nordson Corporation from 1954 to 1974, Chairman and CEO from 1974 to 1983, Chairman of the Board of Directors from 1983 to 1997, and Chairman Emeritus from 1997 to 2008;

Whereas Eric Nord was awarded 25 United States patents;

Whereas Eric Nord oversaw the early growth of Nordson Corporation from a local

business with less than $1,000,000 in annual sales to a multinational corporation with annual sales of $121,000,000;

Whereas Eric Nord's creativity and vision merited numerous honors and awards, including an honorary doctorate of science from Oberlin College and the Case Alumni Association Gold Medal Award in recognition of outstanding technical innovation, successful business management, and dedicated public service;

Whereas Eric Nord established the Nord Family Foundation, the Nordson Corporation Foundation, the Community Foundation of Greater Lorain County, and the Eric and Jane Nord Foundation;

Whereas the charitable work of Eric Nord contributed more than $100,000,000 to worthy causes;

Whereas Eric Nord was a strong advocate for civil rights, fighting to establish fair housing practices for minorities in Oberlin, Ohio, during the 1960s;

Whereas Eric Nord was a beloved member of the community, philanthropist, husband, and father;

Whereas Eric Nord was an advocate for education, the arts, and social services; and

Whereas Ohio has lost an exemplary citizen and innovator with the passing of Eric Nord on June 19, 2008: Now, therefore, be it

Resolved, That the Senate honors the life and recognizes the accomplishments of Eric Nord, a civic-minded business leader, compassionate humanitarian, and dedicated family man.

SENATE RESOLUTION 618—RECOGNIZING THE TENTH ANNIVERSARY OF THE BOMBING OF THE UNITED STATES EMBASSIES IN NAIROBI, KENYA AND DAR ES SALAAM, TANZANIA, AND MEMORIALIZING THE CITIZENS OF THE UNITED STATES, KENYA, AND TANZANIA WHOSE LIVES WERE CLAIMED AS A RESULT OF THE AL QAEDA LED TERRORIST ATTACKS

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 618

Whereas on August 7, 1998, the al Qaeda terrorist group, led by Osama bin Laden, organized nearly simultaneous vehicular bombing attacks on the United States embassies in Nairobi and Dar es Salaam;

Whereas approximately 4,000 people were injured in the Nairobi bombing, including 14 United States citizens, 13 Foreign Service Nationals, and 2 contractors;

Whereas 213 people were killed in the bombing in Nairobi, including victims who were employees of the United States Government, or were family members of employees of the United States Government, namely—

(1) the following United States citizens: Nathan Aliganga, Julian Bartley, Sr., Julian Bartley, Jr., Jean Dalizu, Molly Hardy, Kenneth Hobson, Prabhi Kavaler, Arlene Kirk, Dr. Mary Louise Martin, Michelle O'Connor, Sherry Olds, and Uttamlal (Tom) Shah;

(2) the following Foreign Service Nationals: Chrispin W. Bonyo, Lawrence A. Gitau, Hindu O. Idi, Tony Irungu, Geoffrey Kalio, G. Joel Kamau, Lucy N. Karigi, Francis M. Kibe, Joe Kiongo, Dominic Kithuva, Peter K. Macharia, Francis W. Maina, Cecelia Mamboleo, Lydia M. Mayaka, Francis Mbugua Ndungu, Kimeu N. Nganga, Francis Mbogo Njunge, Vincent Nyoike, Francis Olewe Ochilo, Maurice Okach, Edwin A.O. Omori, Lucy G. Onono, Evans K. Onsongo, Eric Onyango, Sellah Caroline Opati, Rachel M. Pussy, Farhat M. Sheikh, Phaedra Vrontamitis, Adams T. Wamai, Frederick M. Yafes; and

(3) the following contractors: Moses Namayi and Josiah Odero Owuor;

Whereas 85 people were injured in the Dar es Salaam bombing, including 2 United States citizens and 5 Foreign Service Nationals;

Whereas 1 Foreign Service National working at the Dar es Salaam embassy, Saidi Rogarth, is still listed by the Department of State as missing;

Whereas 11 people were killed in the Dar es Salaam bombing, including—

(1) Yusuf Ndange, a Foreign Service National ; and

(2) the following contractors: Abdulrahaman Abdalla, Paul E. Elisha, Abdalla Mnyola, Abbas William Mwilla, Bakari Nyumbu, Mtendeje Rajabu, Ramadhani Mahundi, and Dotto Ramadhani;

Whereas damage to both buildings was extensive, rendering the facilities unusable;

Whereas the outpouring of aid and assistance from the people and Governments of Kenya and Tanzania was widespread and greatly appreciated by the people of the United States;

Whereas security guards at both embassies acted bravely on the day of the bombings, protecting the lives and property of citizens of the United States, Kenya, and Tanzania;

Whereas the United States embassies in both Nairobi and Dar es Salaam have been rebuilt;

Whereas the United States Government is partnering with the people and Governments of Kenya and Tanzania to help both countries obtain a more democratic future;

Whereas 12 of the suspects indicted in the case have either been killed, captured, or are serving life sentences without parole; and

Whereas the United States Government continues to search for the remaining suspects, including Osama bin Laden: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the tenth anniversary of the al Qaeda bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania;

(2) mourns the loss of those who lost their lives in these tragic and senseless attacks, especially those who were employed by the embassies;

(3) remembers the families and colleagues of the victims whose lives have been forever changed by the loss endured on August 7, 1998;

(4) expresses its deepest gratitude to the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks;

(5) reaffirms its support for the people of Kenya and Tanzania in striving for future opportunity, democracy, and prosperity; and

(6) reaffirms its resolve to defeat al Qaeda and other terrorist organizations.

SENATE RESOLUTION 619—EXPRESSING SUPPORT FOR A CONSTRUCTIVE DIALOGUE ON HUMAN RIGHTS ISSUES BETWEEN THE UNITED STATES AND BAHRAIN

Mr. SESSIONS (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 619

Whereas Bahrain is a friend of the United States and a critical partner in the war on terrorism, as demonstrated by Bahrain's designation as a major ally outside of the North Atlantic Treaty Organization, the completion of the United States-Bahrain Free Trade Agreement in 2006, and the continued presence of United States forces in Bahrain;

Whereas the strategic relationship between the United States and Bahrain should not prevent the United States from speaking honestly to the Government of Bahrain about concerns regarding human rights issues in a mutually respectful dialogue; and

Whereas numerous reports, including the Department of State's 2007 Country Report on Human Rights Practices in Bahrain, detail potential shortcomings by the Government of Bahrain in the areas of human rights and democracy, including—

(1) the use of torture and undue force against political activists;

(2) systematic discrimination by the Sunni government against the Shi'a majority, including forbidding Shi'a from joining the military and discriminating against Shi'a in public sector employment;

(3) the denial, in practice, of the right to a fair trial; and

(4) gerrymandering of political districts in order to support favored candidates: Now, therefore, be it

Resolved, That the Senate—

(1) supports a constructive dialogue on human rights issues as an integral part of the bilateral agenda between the United States and Bahrain;

(2) expresses support for efforts to promote human rights, democracy, and the rule of law in Bahrain; and

(3) calls upon the President and the Secretary of State to aid in those efforts.

SENATE CONCURRENT RESOLUTION 94—RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

Mr. BROWN (for himself, Mr. LEVIN, Mr. KENNEDY, and Mr. OBAMA) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 94

Whereas service members representing a wide diversity of races and nationalities have fought in every war in the history of the United States;

Whereas, on July 26, 1948, President Harry Truman signed Executive Order 9981, ordering the racial integration of the Armed Forces;

Whereas President Truman declared that there should be equality of treatment and opportunity for all persons in the Armed Forces, without regard to race, color, religion, or national origin;

Whereas the United States could not maintain an all-volunteer force without the service of, and critical role played by, service members representing a wide diversity of races and nationalities;

Whereas service member diversity brings a unique perspective and experience to the Armed Forces;

Whereas the Armed Forces led the way in social integration prior to the signal achievement of the legal victory in the Supreme Court decision of Brown v. Board of Education, 347 U.S. 483 (1954), which rejected separate white and colored schools;

Whereas the Armed Forces led the way in social integration prior to the passage of the Civil Rights Act of 1964, which banned discrimination in employment practices and public accommodations, the Voting Rights

Act of 1965, which restored and protected voting rights, and the Civil Rights Act of 1968, which banned discrimination in the sale or rental of housing;

Whereas the integration of the Armed Forces enhanced the combat effectiveness of the military 60 years ago, and that still holds true to the current day;

Whereas the efforts of the Armed Forces to ensure equality of treatment and opportunity for their personnel significantly assisted in the advancement of that goal for all Americans; and

Whereas, in 2008, members representing a wide diversity of races and nationalities serve in senior leadership positions throughout the Armed Forces, as commissioned and warrant officers, as senior noncommissioned officers, and as civilian leaders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the integration of the Armed Forces of the United States;

(2) reaffirms the commitment of the Federal Government to ensuring diversity in the military; and

(3) commends African-Americans, Hispanics, Asian-Americans, Native Americans, and service members of all races and nationalities for their remarkable achievements, sacrifices, and contributions to our Armed Forces in all conflicts in United States history in the face of discrimination, hostility, and other obstacles.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public the hearing previously scheduled before the Senate Committee on Energy and Natural Resources on Thursday, July 24, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building has been canceled.

The purpose of the hearing was to discuss current policy related to the Strategic Petroleum Reserve.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 22, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''An Update on the Science of Global Warming and its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 9:30 a.m.to conduct a hearing entitled ''Energy Security: An American Imperative.''

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 22, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, July 22, 2008, at 2:00 p.m. to conduct a hearing entitled, ''Improving Performance: A Review of Pay-for-Performance Systems in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Winoka Begay, Max von Bargen, Zach Manning, Erin Griffin, Matt Padilla, Meaghan Stern, Byron Hurlbut, and Jessica Jaramillo, who are interns in my office and in the Energy and Natural Resources Committee, be permitted the privileges of the floor today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Andrew Kinard, a fellow in Senator GRAHAM's office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that John Veysey, a congressional fellow in my office, be granted privileges of the floor for the duration of debate on S. 3268.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 60TH ANNIVERSARY OF INTEGRATION OF THE U.S. ARMED FORCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 94 submitted earlier today by Senator BROWN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 94) recognizing the 60th anniversary of the integration of the U.S. Armed Forces.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place, as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 94) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 94

Whereas service members representing a wide diversity of races and nationalities have fought in every war in the history of the United States;

Whereas, on July 26, 1948, President Harry Truman signed Executive Order 9981, ordering the racial integration of the Armed Forces;

Whereas President Truman declared that there should be equality of treatment and opportunity for all persons in the Armed Forces, without regard to race, color, religion, or national origin;

Whereas the United States could not maintain an all-volunteer force without the service of, and critical role played by, service members representing a wide diversity of races and nationalities;

Whereas service member diversity brings a unique perspective and experience to the Armed Forces;

Whereas the Armed Forces led the way in social integration prior to the signal achievement of the legal victory in the Supreme Court decision of Brown v. Board of Education, 347 U.S. 483 (1954), which rejected separate white and colored schools;

Whereas the Armed Forces led the way in social integration prior to the passage of the Civil Rights Act of 1964, which banned discrimination in employment practices and public accommodations, the Voting Rights Act of 1965, which restored and protected voting rights, and the Civil Rights Act of 1968, which banned discrimination in the sale or rental of housing;

Whereas the integration of the Armed Forces enhanced the combat effectiveness of the military 60 years ago, and that still holds true to the current day;

Whereas the efforts of the Armed Forces to ensure equality of treatment and opportunity for their personnel significantly assisted in the advancement of that goal for all Americans; and

Whereas, in 2008, members representing a wide diversity of races and nationalities serve in senior leadership positions throughout the Armed Forces, as commissioned and warrant officers, as senior noncommissioned officers, and as civilian leaders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the integration of the Armed Forces of the United States;

(2) reaffirms the commitment of the Federal Government to ensuring diversity in the military; and

(3) commends African-Americans, Hispanics, Asian-Americans, Native Americans, and service members of all races and nationalities for their remarkable achievements, sacrifices, and contributions to our Armed Forces in all conflicts in United States history in the face of discrimination, hostility, and other obstacles.

STAR PRINT—S. 3268

Mr. BROWN. Mr. President, I ask unanimous consent that S. 3268, the Stop Excessive Energy Speculation Act of 2008, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADEMARK ACT OF 1946 ACT AMENDMENTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3295, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3295) to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering legislation today that will leave no doubt about the constitutional propriety of the appointment of administrative patent judges and administrative trademark judges within the Patent and Trademark Office. I thank my cosponsor, Senator SPECTER, for his work with me on this. These judges are currently appointed to their positions by the Director of the PTO. Our bill will change this process, so that the Secretary of Commerce, in consultation with the Director of the PTO, will appoint these judges, thus bringing the process more clearly in line with the appointments clause of the Constitution. This legislation will also allow the Secretary of Commerce to ratify the appointment of the current judges. A companion bill was introduced in the House.

It is important to ensure that the decisions made by these judges are allowed to stand on their merits, and that they are not nullified by a potential constitutional challenge to the appointment process somewhere down the line. By making this small change to the existing law, Congress can leave no doubt that the appointment of these judges complies fully with the process set out by the Constitution.

I am pleased that the Senate will adopt this measure today, and I hope that the House of Representatives will quickly take it up and pass it so that it can be sent to the President for his signature without delay.

Mr. BROWN. Mr. President I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3295) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.

(a) ADMINISTRATIVE PATENT JUDGES.—Section 6 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''Deputy Commissioner'' and inserting ''Deputy Director''; and

(B) in the last sentence, by striking ''Director'' and inserting ''Secretary of Commerce, in consultation with the Director''; and

(C) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.''.

(b) ADMINISTRATIVE TRADEMARK JUDGES.—Section 17 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1067), is amended—

(1) in subsection (b)—

(A) by inserting ''Deputy Director of the United States Patent and Trademark Office'', after ''Director,''; and

(B) by striking ''appointed by the Director'' and inserting ''appointed by the Secretary of Commerce, in consultation with the Director''; and

(2) by adding at the end the following:

''(c) AUTHORITY OF THE SECRETARY.—The Secretary of Commerce may, in his or her discretion, deem the appointment of an administrative trademark judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative trademark judge.

''(d) DEFENSE TO CHALLENGE OF APPOINTMENT.—It shall be a defense to a challenge to the appointment of an administrative trademark judge on the basis of the judge's having been originally appointed by the Director that the administrative trademark judge so appointed was acting as a de facto officer.''.

TOM LANTOS BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Mr. BROWN. Mr. President, I ask the Chair to now lay before the Senate a House message to accompany H.R. 3890.

The PRESIDING OFFICER laid before the Senate the following message:

H.R. 3890

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 3890) entitled ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes'', with the following House amendments to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the regime to engage in meaningful dialogue to pursue national reconciliation.

(2) The Burmese regime responded to these peaceful protests with a violent crackdown leading to the reported killing of approximately 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. Burmese military, police, and their affiliates in the Union Solidarity Development Association (USDA) perpetrated almost all of these abuses. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the peaceful protests.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) In October 2007, President Bush announced a new Executive Order to tighten economic sanctions against Burma and block property and travel to the United States by certain senior leaders of the SPDC, individuals who provide financial backing for the SPDC, and individuals responsible for human rights violations and impeding democracy in Burma. Additional names were added in updates done on October 19, 2007, and February 5, 2008. However, only 38 discrete individuals and 13 discrete companies have been designated under those sanctions, once aliases and companies with similar names were removed. By contrast, the Australian Government identified more than 400 individuals and entities subject to its sanctions applied in the wake of the 2007 violence. The European Union's regulations to implement sanctions against Burma have identified more than 400 individuals among the leadership of government, the military, and the USDA, along with nearly 1300 state and military-run companies potentially subject to its sanctions.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities in part through financial transactions, travel, and trade involving the United States, including the sale of petroleum products, gemstones and hardwoods.

(7) In 2006, the Burmese regime earned more than $500 million from oil and gas projects, over $500 million from sale of hardwoods, and in excess of $300 million from the sale of rubies and jade. At least $500 million of the $2.16 billion earned in 2006 from Burma's two natural gas pipelines, one of which is 28 percent owned by a United States company, went to the Burmese regime. The regime has earned smaller amounts from oil and gas exploration and non-operational pipelines but United States investors are not involved in those transactions. Industry sources estimate that over $100 million annually in Burmese rubies and jade enters the United States. Burma's official statistics report that Burma exported $500 million in hardwoods in 2006 but NGOs estimate the true figure to exceed $900 million. Reliable statistics on the amount of hardwoods imported into the United States from Burma in the form of finished products are not available, in part due to widespread illegal logging and smuggling.

(8) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, according to gem industry experts, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(9) According to hardwood industry experts, Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(10) The SPDC owns a majority stake in virtually all enterprises responsible for the extraction and trade of Burmese natural resources, including all mining operations, the Myanmar Timber Enterprise, the Myanmar Gems Enterprise, the Myanmar Pearl Enterprise, and the Myanmar Oil and Gas Enterprise. Virtually all profits from these enterprises enrich the SPDC.

(11) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(12) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(13) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

(14) On the night of May 2, 2008, through the morning of May 3, 2008, tropical cyclone Nargis struck the coast of Burma, resulting in the deaths of tens of thousands of Burmese.

(15) The response to the cyclone by Burma's military leaders illustrates their fundamental lack of concern for the welfare of the Burmese people. The regime did little to warn citizens of the cyclone, did not provide adequate humanitarian assistance to address basic needs and prevent loss of life, and continues to fail to provide life-protecting and life-sustaining services to its people.

(16) The international community responded immediately to the cyclone and attempted to provide humanitarian assistance. More than 30 disaster assessment teams from 18 different nations and the United Nations arrived in the region, but the Burmese regime denied them permission to enter the country. Eventually visas were granted to aid workers, but the regime continues to severely limit their ability to provide assistance in the affected areas.

(17) Despite the devastation caused by Cyclone Nargis, the junta went ahead with its referendum on a constitution drafted by an illegitimate assembly, conducting voting in unaffected areas on May 10, 2008, and in portions of the affected Irrawaddy region and Rangoon on May 26, 2008.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term ''ASEAN'' means the Association of Southeast Asian Nations.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term ''SPDC'' means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) VISA BAN.—

(1) IN GENERAL.—The following persons shall be ineligible for a visa to travel to the United States:

(A) Former and present leaders of the SPDC, the Burmese military, or the USDA.

(B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC.

(C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA.

(D) The immediate family members of any person described in subparagraphs (A) through (C).

(2) WAIVER.—The President may waive the visa ban described in paragraph (1) only if the President determines and certifies in writing to Congress that travel by the person seeking such a waiver is in the national interests of the United States.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to conflict with the provisions of section 694 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), nor shall this subsection be construed to make ineligible for a visa members of ethnic groups in Burma now or previously opposed to the regime who were forced to provide labor or other support to the Burmese military and who are otherwise eligible for admission into the United States.

(b) FINANCIAL SANCTIONS.—

(1) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subsection (a)(1) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(A) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(B) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(2) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subsection (a)(1).

(3) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and financial transactions under this subsection shall include the following:

(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the

United States, to the SPDC or to an individual described in subsection (a)(1).

(B) The export or reexport directly or indirectly, of any goods, technology, or services by a United States person to the SPDC, to an individual described in subsection (a)(1) or to any entity owned, controlled, or operated by the SPDC or by an individual described in such subsection.

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) LIST OF SANCTIONED OFFICIALS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of—

(A) former and present leaders of the SPDC, the Burmese military, and the USDA;

(B) officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC;

(C) any other Burmese persons or entities who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA; and

(D) the immediate family members of any person described in subparagraphs (A) through (C) whom the President determines effectively controls property in the United States or has benefitted from a financial transaction with any United States person.

(2) CONSIDERATION OF OTHER DATA.—In preparing the list required under paragraph (1), the President shall consider the data already obtained by other countries and entities that apply sanctions against Burma, such as the Australian Government and the European Union.

(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists of the persons described in paragraph (1) as new information becomes available.

(4) IDENTIFICATION OF INFORMATION.—The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning potential persons to be sanctioned to carry out the purposes described in this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(f) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma.

(2) REGULATORY EXCEPTIONS.—For the following purposes, the Secretary of State may, by regulation, authorize exceptions to the prohibition and restrictions described in subsection (a), and the Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsections (b) and (c)—

(A) to permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;

(B) to permit United States citizens to visit Burma; and

(C) to permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

(g) PENALTIES.—Any person who violates any prohibition or restriction imposed pursuant to subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(h) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (a), (b), or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(i) WAIVER.—The President may waive the sanctions described in subsections (b) and (c) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

''(A) jadeite mined or extracted from Burma;

''(B) rubies mined or extracted from Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

''(A) jadeite mined or extracted from a country other than Burma;

''(B) rubies mined or extracted from a country other than Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

''(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS').

''(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

''(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

''(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

''(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

''(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall prohibit the importation into the United States of any Burmese covered article.

''(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

''(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act, the President shall take all appropriate actions to seek the following:

''(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

''(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

''(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

''(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

''(B) the importer of the non-Burmese covered article agrees—

''(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

''(ii) to provide the information described in clause (i) within the custody or control of such person to the relevant United States authorities upon request.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect

to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

''(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

''(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

''(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iv) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

''(v) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

''(vi) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

''(3) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders and conduct such investigations, as may be necessary to implement the provisions under paragraphs (1) and (2).

''(d) INAPPLICABILITY.—

''(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply to Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

''(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

''(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

''(f) SENSE OF CONGRESS.—

''(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

''(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

''(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

''(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

''(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

''(2) UPDATE.—The President shall make continued efforts to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1) and shall promptly update the appropriate congressional committees on subsequent developments with respect to these efforts.

''(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations for improving the administration of this Act.''.

(b) DURATION OF SANCTIONS.—

(1) CONTINUATION OF IMPORT SANCTIONS.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(4) RULE OF CONSTRUCTION.—For purposes of this subsection, any reference to section 3(a)(1) shall be deemed to include a reference to section 3A (b)(1) and (c)(1).''.

(2) RENEWAL RESOLUTIONS.—Subsection (c) of such section is amended by inserting after ''section 3(a)(1)'' each place it appears the following: ''and section 3A (b)(1) and (c)(1)''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection take effect on the day after the date of the enactment of 5th renewal resolution enacted into law after the date of the enactment of the Burmese Freedom and Democracy Act of 2003, or the date of the enactment of this Act, whichever occurs later.

(B) RENEWAL RESOLUTION DEFINED.—In this paragraph, the term ''renewal resolution'' means a renewal resolution described in section 9(c) of the Burmese Freedom and Democracy Act of 2003 that is enacted into law in accordance with such section.

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended—

(1) by striking ''prohibitions'' and inserting ''restrictions'';

(2) by inserting ''or section 3A (b)(1) or (c)(1)'' after ''this section''; and

(3) by striking ''a product of Burma'' and inserting ''subject to such restrictions''.

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Secretary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended—

(1) by inserting ''(a) OPPOSITION TO ASSISTANCE TO BURMA.—'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations, subject to paragraph (2), designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national interests of the United States;

(ii) a description of the national interests need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term ''military or intelligence aid'' means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex and the unclassified form shall be placed on the Department of State's website.

SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, takes steps toward inclusion of ethnic minorities in political reconciliation efforts, and holds free and fair elections to establish a new government.

SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in consultation with the Secretary of Commerce, and other Federal officials, as appropriate, shall submit to the appropriate congressional committees a report on Burma's timber trade containing information on the following:

(1) Products entering the United States made in whole or in part of wood grown and harvested in Burma, including measurements of annual value and volume and considering both legal and illegal timber trade.

(2) Statistics about Burma's timber trade, including raw wood and wood products, in aggregate and broken down by country and timber species, including measurements of value and volume and considering both legal and illegal timber trade.

(3) A description of the chains of custody of products described in paragraph (1), including direct trade streams from Burma to the United States and via manufacturing or transshipment in third countries.

(4) Illegalities, abuses, or corruption in the Burmese timber sector.

(5) A description of all common consumer and commercial applications unique to Burmese hardwoods, including the furniture and marine manufacturing industries.

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations on the following:

(1) Alternatives to Burmese hardwoods for the commercial applications described in paragraph (5) of subsection (a), including alternative species of timber that could provide the same applications.

(2) Strategies for encouraging sustainable management of timber in locations with potential climate, soil, and other conditions to compete with Burmese hardwoods for the consumer and commercial applications described in paragraph (5) of subsection (a).

(3) The appropriate United States and international customs documents and declarations that would need to be kept and compiled in order to establish the chain of custody concerning products described in paragraphs (1) and (3) of subsection (a).

(4) Strategies for strengthening the capacity of Burmese civil society, including Burmese society in exile, to monitor and report on the SPDC's trade in timber and other extractive industries so that Burmese natural resources can be used to benefit the majority of Burma's population.

SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEMBERS OF THE SPDC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Ways and Means of the House of the Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Finance of the Senate a report containing a list of all countries and foreign banking institutions that hold assets on behalf of senior Burmese officials.

(b) DEFINITIONS.—For the purpose of this section:

(1) SENIOR BURMESE OFFICIALS.—The term ''senior Burmese officials'' shall mean individuals covered under section 5(d)(1) of this Act.

(2) OTHER TERMS.—Other terms shall be defined under the authority of and consistent with section 5(c)(2) of this Act.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex. The report shall also be posted on the Department of Treasury's website not later than 30 days of the submission to Congress of the report. To the extent possible, the report shall include the names of the senior Burmese officials and the approximate value of their holdings in the respective foreign banking institutions and any other pertinent information.

SEC. 14. UNOCAL PLAINTIFFS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should work with the Royal Thai Government to ensure the safety in Thailand of the 15 plaintiffs in the Doe v. Unocal case, and should consider granting refugee status or humanitarian parole to these plaintiffs to enter the United States consistent with existing United States law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate Congressional committees a report on the status of the Doe vs. Unocal plaintiffs and whether the plaintiffs have been granted refugee status or humanitarian parole.

SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVESTMENTS IN BURMA'S OIL AND GAS INDUSTRY.

(a) FINDINGS AND DECLARATIONS.—Congress finds the following:

(1) Currently United States, French, and Thai investors are engaged in the production and delivery of natural gas in the pipeline from the Yadana and Sein fields (Yadana pipeline) in the Andaman Sea, an enterprise which falls under the jurisdiction of the Burmese Government, and United States investment by Chevron represents approximately a 28 percent nonoperated, working interest in that pipeline.

(2) The Congressional Research Service estimates that the Yadana pipeline provides at least $500,000,000 in annual revenue for the Burmese Government.

(3) The natural gas that transits the Yadana pipeline is delivered primarily to Thailand, representing about 20 percent of Thailand's total gas supply.

(4) The executive branch has in the past exempted investment in the Yadana pipeline from the sanctions regime against the Burmese Government.

(5) Congress believes that United States companies ought to be held to a high standard of conduct overseas and should avoid as much as possible acting in a manner that supports repressive regimes such as the Burmese Government.

(6) Congress recognizes the important symbolic value that divestment of United States holdings in Burma would have on the international sanctions effort, demonstrating that the United States will continue to lead by example.

(b) STATEMENT OF POLICY.—

(1) Congress urges Yadana investors to consider voluntary divestment over time if the Burmese Government fails to take meaningful steps to release political prisoners, restore civilian constitutional rule and promote national reconciliation.

(2) Congress will remain concerned with the matter of continued investment in the Yadana pipeline in the years ahead.

(3) Congress urges the executive branch to work with all firms invested in Burma's oil and gas sector to use their influence to promote the peaceful transition to civilian democratic rule in Burma.

(c) SENSE OF CONGRESS.—It is the sense of Congress that so long as Yadana investors remain invested in Burma, such investors should—

(1) communicate to the Burmese Government, military and business officials, at the highest levels, concern about the lack of genuine consultation between the Burmese Government and its people, the failure of the Burmese Government to use its natural resources to benefit the

Burmese people, and the military's use of forced labor;

(2) publicly disclose and deal with in a transparent manner, consistent with legal obligations, its role in any ongoing investment in Burma, including its financial involvement in any joint production agreement or other joint ventures and the amount of their direct or indirect support of the Burmese Government; and

(3) work with project partners to ensure that forced labor is not used to construct, maintain, support, or defend the project facilities, including pipelines, offices, or other facilities.

Resolved further, That the House agree to the amendment of the Senate to the title of the aforesaid bill with the following:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, amend the title so as to read: ''An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

Mr. MCCONNELL. Mr. President, I rise today to note Senate passage of H.R. 3890, the Tom Lantos Block Burmese JADE, Junta's Anti-Democratic Efforts, Act. This is bipartisan legislation that is now on its way to the President for his signature. In this effort, I was pleased to work closely again with my friend and colleague, Senator BIDEN of Delaware.

This bill—appropriately named in honor of Tom Lantos, a great champion of Burmese freedom and reconciliation—will further ratchet up the already strict sanctions against the State Peace and Development Council, SPDC, the grotesquely misnamed ruling junta. In doing so, it will restrict the importation of jade into the U.S. through other countries, one of the most lucrative sources of profit for the junta. It also enhances existing financial sanctions against the regime and includes new reporting requirements which will provide greater transparency about the junta. These reports include data about the SPDC's financial holdings; information about countries that provide military assistance to the regime; and background on the Burmese timber trade.

I would note that, like the annual Burmese Freedom and Democracy Act, this legislation does not interrupt the flow of humanitarian assistance to the people of Burma, who continue to struggle in the wake of Cyclone Nargis. By focusing the sanctions on the SPDC, this bill sends a clear message to the junta that the United States stands squarely with the freedom-loving people of Burma.

As my colleagues can tell you, passing legislation sometimes means you don't get everything you want. I have been on record for over a decade as supporting the divestment of U.S. energy interests in Burma. I would have preferred it if Congress had taken binding action in this bill to compel divestment, but including such a provision would have threatened passage of this important legislation. Nonetheless, I would point out that Congress makes its position on the issue quite clear by encouraging the voluntary divestment of all energy companies operating in Burma.

Finally, I would also like to express my appreciation for all those who have worked diligently on this legislation. In particular, I would like to thank Frank Jannuzi and Keith Luse of the Senate Foreign Relations Committee staff for their efforts.

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CATHY SEIBEL TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF GLENN T. SUDDABY TO BE UNITED STATES DISTRICT JUDGE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 689 and 690, and that the Senate proceed to vote on confirmation of the nominations; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc, the President be immediately notified of the Senate's action, with no further motions in order, that any statements relating to the nominations be printed in the RECORD, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate is poised to confirm two more nominations for lifetime appointments to the Federal bench: Cathy Seibel for the Southern District of New York and Glenn T. Suddaby for the Northern District of New York. These nominees each have the support of the New York Senators, who worked with the White House to identify a slate of consensus nominees. I thank both Senator SCHUMER and Senator CLINTON for their work in connection with these nominees.

When these nominees are confirmed, that will bring the number of judicial nominees confirmed by the Senate during the slightly more than three years I have served as the Chairman of the Judiciary Committee to 158. Coincidentally, the number of President Bush's judicial nominees confirmed by the Senate during the almost four and one-half years of Republican control totaled 158.

I have always said that we would treat this President's nominees more fairly than Republicans treated President Clinton's. And we have. Indeed, we have matched the confirmation record that Republicans achieved for a President from their own party. We have not pocket filibustered more than 60 of this President's nominees. We are not going to return 17 circuit court nominees without action to this President as the Republican-led Senate did to President Clinton. We have not doubled the judicial vacancies and forced them above 100 nationwide, nor have we doubled the number of circuit court vacancies. To the contrary, we have cut judicial vacancies by more than half, and reduced circuit court vacancies by more than two-thirds from a high point of 32, to a low of just nine throughout all 13 Federal circuits.

The 100 nominations we confirmed in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reduced the vacancies by 45 percent by the end of 2002. With 40 additional confirmations last year, and another 18 this year, the Senate under Democratic leadership has now confirmed 158 lifetime appointments to the Federal bench nominated by President Bush. Nearly half of the judicial nominees the Senate has confirmed while I have served as the chairman of the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergency vacancies, including nine of the 10 circuit court nominees confirmed this Congress. This is another aspect of the problem created by Republicans that we have worked hard to improve. When President Bush took office there were 28 judicial emergency vacancies. Those have been reduced by more than half.

In the 2 full years that preceded my returning as chairman of the Judiciary Committee in 2007, with a Republican chairman and a Republican Senate majority working to confirm the judicial nominees of a Republican President, 54 nominations were confirmed. After the two confirmations today, we will reach 58 judicial confirmations for this Congress. Truth be told, President Bush's judicial nominees have been confirmed faster by the Democratic majority than by the previous Republican majority of the Senate.

Judicial vacancies have been reduced from 10 percent as we made the transition to the Bush administration to 4.5 percent today. I wish we could say the same about unemployment, the cost of gasoline, food prices, health care costs, about inflation and the national debt, but all those indicators have been moving in the wrong direction, as is consumer confidence and the percentage of Americans who see the country as on the wrong track.

Republican critics ignore the progress we have made on judicial vacancies. They also ignore the crisis that they had created by not considering circuit nominees in 1996, 1997 and 1998. They ignore the fact that they refused to confirm a single circuit nominee during the entire 1996 session. They ignore the fact that they returned 17 circuit court nominees without action to the White House in 2000. They ignore the public criticism of Chief Justice Rehnquist to their actions during those years. They ignore the fact that they were responsible for more than doubling circuit court vacancies during their pocket filibusters of Clinton nominees or that we have reduced those circuit court vacancies by more than two thirds.

In fact, as the Presidential elections in 2000 drew closer, and when the judicial vacancy rate stood at 7.2 percent, then-Judiciary Committee Chairman ORRIN HATCH declared that ''There is and has been no judicial vacancy crisis,'' and that 7.2 percent was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' As a result of Republican inaction, the vacancy rate continued to rise, reaching 10 percent when the Democrats took over the Senate majority in 2001.

Democrats have reversed course. We have cut circuit court vacancies by more than two-thirds, from a high of 32. With the confirmation of two nominees today, the judicial vacancy rate will be just 4.5 percent.

I have yet to hear praise from a single Republican for our work in lowering vacancies. I also have yet to hear in the Republican talking points any explanation for their actions during the 1996 congressional session, when the Republican Senate majority refused to allow the Senate to confirm even one circuit court judge. I have yet to hear explanations for why they did not proceed with the nominations of Bonnie Campbell, Allen Snyder and so many others.

I hope the American people will not witness another week in which Senate Republicans attempt to make a partisan, election-year issue out of the confirmation of judicial nominations. This is the one area where the numbers have actually improved during the Bush presidency while the life of hardworking Americans has only gotten more difficult. The Treasury Secretary has been quite sobering about the financial difficulties still ahead. Inflation is now on the rise, jobs are being lost, gas prices have skyrocketed, food prices have soared, health care is unaffordable and yet Republicans want come to the floor to pick a partisan fight about the pace of judicial confirmations while the Senate proceeds to confirm two more judges.

Americans have seen the unemployment rate rise to 5.5 percent and trillions of dollars in budget surplus have turned into trillions of dollars of debt. Last week General Motors announced layoffs. The annual budget deficit is in the hundreds of millions of dollars, the dollar has lost half its value, and the costs of the Iraq war and interest on the national debt amounts to $1.5 billion a day.

When President Bush took office, the price of gas was $1.42 a gallon. Today, it is over $4.00 a gallon. The housing crisis and mortgage crisis threatens the economy. The stock market dropped 2,000 points in the first six months of the year and went under 11,000.

Hardworking Americans trying to do the best they can for their families are more concerned about critical issues they face in their lives each day. They are concerned about affording to heat their homes this winter. They are concerned about gas prices that have skyrocketed so high they do not know how they will afford to drive to work. They are concerned about the steepest decline in home values in two decades. More and more Americans are affected by rising unemployment, with job losses for the first six consecutive months of this year tallying over 438,000. Americans are worried about soaring health care costs, rising health insurance costs, the rising costs of education and rising food prices. The partisan, election-year rhetoric over judicial nominations, at a time when judicial vacancies have been significantly reduced, is a reflection of misplaced priorities.

Our progress today in confirming two more nominations for lifetime appointments shows that when the President works with home State Senators to identify consensus, well-qualified nominees, we can make progress, even this late in an election year. I congratulate the nominees and their families on their confirmations today.

The Federal judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I will continue in this Congress, and with a new President in the next Congress, to work with Senators from both sides of the aisle to ensure that the Federal judiciary remains independent and able to provide justice to all Americans, without fear or favor.

Last week the Senate Judiciary Committee was scheduled to consider a number of bipartisan measures. Several are important items on which Republicans had already delayed consideration since June. They include the bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act, a bipartisan OPEN FOIA bill and the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act. In addition, we had before us the Fairness in Nursing Home Arbitration Act, the Fugitive Information Networked Database Act, the Methamphetamine Production Prevention Act and the National Guard and Reservists Debt Relief Act.

I had hoped that last week we would be able to report these measures. A few words about one of them—the legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act. This bill would strengthen our efforts to stop the abhorrent practice of human trafficking around the world. Our bill enhances protections for victims of these terrible crimes. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the world, mostly women and children, and we must do all that we can to be more effective in confronting this continuing problem. I thank Senator BIDEN for his leadership. Unfortunately, Republican partisan antics have gotten in the way of progress on this front and delayed the Judiciary Committee and the Senate from acting on this measure.

Rather than meet and work on the human trafficking bill and the others, a number of the Republican Senators who serve on the Judiciary Committee came to the Senate floor while Republicans objected to the committee meeting. That was too bad. It set back our legislative agenda.

Republicans previously boycotted business meetings for the month of February when we were trying to report judicial nominations. That only slowed our progress. Then, when we tried to expedite consideration of two circuit court nominations in May, they objected. Those judicial nominations were finally confirmed late in June.

I look forward to a time when Senators from the other side of the aisle return to work with us on the important legislative business of the Judiciary Committee and the Senate. It would be refreshing if they recognized the progress we have made on filling judicial vacancies.

When they do, when they show cooperation, when we are able to make progress on our legislative agenda, at that point I will be able to turn my attention from concentrating on that legislative agenda and consider, along with the majority leader, whether there are additional judicial nominees we might be able to consider and confirm this year. It will be difficult to do so, especially in connection with nominees recently received for whom we do not have an ABA peer review rating at this time.

Let me give you some flavor of how petty the obstructionism from Republicans has become. I introduced at the request of the Chief Justice a bill to extend authorization for the Supreme Court police to remain in operation, S. 3296. I have been trying to clear this measure for passage since June 19. Although our Ranking Republican on the Committee cosponsored, he has not been able to clear it on his side of the aisle.

I have been seeking for months to find a way to extend the EB–5 investor visa pilot program that brings benefits

not only to Vermont but to Pennsylvania and Iowa, and elsewhere. Authority for this worthwhile program that leads to investments here in the United States expires in September. My efforts to clear H.R. 5569, a bill to extend the program for 5 years, have been stymied by Republicans who insist on using this bill as a vehicle for other immigration-related matters and have ensnarled it in a series of competing concerns.

More broadly, the Judiciary Committee has worked throughout this Congress to advance the priorities of Americans. We have reported legislation to support local law enforcement to make our cities and towns safe from crime that has now gone back up after consistent declines in the 1990s, like the COPS Improvements Act, S. 368, and my bill to extend the Bulletproof Vest Partnership Grant Act, S. 2511. We have reported legislation to combat fraud and corruption, like the War Profiteering Prevention Act, S. 119, and the Public Corruption Prosecution Improvements Act, S. 1946. We have reported legislation to protect the civil rights and voting rights of Americans, like the Emmett Till Unsolved Civil Rights Crime Act, S. 535, and Senator OBAMA's Deceptive Practices and Voter Intimidation Prevention Act of 2007, S. 453. We have reported legislation to protect Americans' data privacy like my Personal Data Privacy and Security Act, S. 495. We have reported measures to provide the Federal judiciary with increased resources both in terms of salary restoration and additional judgeships, S. 1638 and S. 2774. We have reported intellectual property measures like the Shawn Bentley Orphan Works Act, S. 2913. And, of course, we have reported the bill to confront the OPEC cartel, NOPEC, S. 879. I look forward to a time when Republicans work with us on these matters instead of obstructing us at every turn.

Legislation with broad bipartisan support that I have managed to move through the Judiciary Committee has then been stalled on the Senate floor by the obstruction of a few Republicans. Of the bills that have been reported from the Judiciary Committee this Congress, Republicans have blocked legislation to support runaway and homeless young people, S. 2982; to help law enforcement cope with mentally ill offenders, S. 2304; to support the investigation and prosecution of civil rights era murders left unsolved for too long, S. 535; and to protect our children from the scourges of drugs, child pornography, and child exploitation, such as S. 1210, S. 1738 and S. 2344. I joined the Majority Leader in introducing a measure yesterday that combines some of these Committee-approved and House-passed bipartisan measures into one bill, S. 3297. These should have been consent items and already been considered and passed by the Senate.

The list goes on. I say, again, Republican obstructionists have blocked legislation to ensure that law enforcement officers can obtain bulletproof vests, to give much needed resources to State and local law enforcement, to break the grip of the OPEC cartel on oil prices, to prohibit war profiteering, to train prosecutors, and to teach children to use the internet safely, just to reiterate a few examples. And that is just legislation reported by the Judiciary Committee. Every Committee in the Senate has seen simple legislation intended to help the American people in difficult times stymied by Republican obstruction.

Republicans have become masters of true obstruction, boycotting business meetings of the Judiciary Committee and cutting short important hearings, including a hearing at which two courageous women from Pennsylvania were testifying about severe injuries they suffered to help us understand the plight of hardworking Americans whose legitimate grievances have been rejected by a pro-business Supreme Court. When Republicans obstructed a meeting last week where we could have made progress on reducing youth violence, protecting women and children from human trafficking, and helping those who serve our country to cope with unmanageable debt, that was just the latest example of a pattern that has become all too familiar.

Sadly, we have seen Republican obstructionism since the beginning of this Congress, with Republicans using filibuster after filibuster to thwart the will of the majority of the Senate from doing the business of the American people. Republican filibusters prevented Senate majorities from passing the climate change bill; the Employee Free Choice Act; the Lilly Ledbetter Fair Pay Act; the DC Voting Rights Act; the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007; the Renewable Energy and Job Creation Act of 2008; the Medicare Improvements for Patients and Providers Act of 2008; and the Consumer-First Energy Act.

These are critical pieces of legislation to address urgent priorities like the energy crisis, the environment, voting rights, health care, and fair wages for working men and women. All of them had the support of the majority of the Senate. And all were blocked by a minority of Republican Senators bent on preventing us from making progress. Republicans have now filibustered more than 80 pieces of legislation in this Congress. We can only imagine what we could have accomplished in this Congress with cooperation rather than obstruction.

This long list of priorities unaddressed because of the Republicans in Congress would be even longer if we were to include the many important bills President Bush has vetoed since the beginning of this Congress. This list includes legislation to fund stem cell research to fight debilitating and deadly diseases, to extend and expand the successful State Children's Health Insurance Program that would have provided health insurance to more of the millions of American children without it, to set a timetable for bringing American troops home from the disastrous war in Iraq, and to ban waterboarding and help restore America as a beacon for the rule of law.

The American people are going through increasingly difficult times, and their Congress should be working to make their lives better. Time is running short in this Congress. It is past time for Republicans to stop their foot stomping and work with us to get things done. That is what I have been trying to do throughout this Congress. I hope, despite their recent antics, that Republicans will reconsider and join with me to make progress on legislative matters of concern to the American people.

Mr. SCHUMER. Mr. President, I rise in support of two nominees to be district judges in the Southern and Northern Districts of New York.

I was pleased last week that the Senate voted unanimously to confirm two other excellent New York nominees, Kiyo Matsumoto and Paul Gardephe.

Like last week's candidates, both of the nominees before us today—Cathy Seibel and Glenn Suddaby—were rated unanimously well qualified by the American Bar Association, and both were unanimously recommended out of the Judiciary Committee.

I am particularly pleased to support Ms. Seibel to be a judge in the Southern District of New York because I personally recommended her to the President.

The Judges in her district respect her, the defense bar knows her to be fair and reasonable. and I myself found her to be thoughtful, modest, and blessed with a perfect judicial temperament.

These are the qualities that compelled me to recommend her to the bench.

Ms. Seibel has been a Federal prosecutor for 21 years and has long ties to the Southern District of New York where she has served as both the deputy U.S. attorney and the first assistant.

During her time as a prosecutor, she has earned a reputation for fairness and effectiveness.

Indeed, she is described as the very model of grace under pressure.

And while at the Southern District, she has trained several generations of young prosecutors, who also sing her praises.

She has prosecuted a number of high-profile tax fraud cases, as well as the very first case where the Violence Against Women Act was used for a murder charge—a subject obviously very close to my heart since I was the chief author of the Violence Against Women Act when I was in the House.

She is the recipient of numerous well-deserved honors, including the prestigious Stimson Medal for federal prosecutors in New York.

Despite the demands on her time as a prosecutor, Ms. Seibel has also found time to teach a course on trial practice at Columbia Law School, and previously has taught courses at Fordham.

Ms. Seibel graduated magna cum laude from Princeton and received her J.D. cum laude from Fordham University, where she was editor-in-chief of the Fordham Law Review. Ms. Seibel also clerked for Judge Joseph McLaughlin in the Eastern District after graduation.

Additionally, Ms. Seibel's confirmation will help to rectify the serious underrepresentation of women in our Federal judiciary.

In the Southern District today, only a paltry 25 percent of district court judges—11 of 44—are women. I believe that our Federal bench should reflect the same broad diversity of experience as America writ large.

Glass ceilings are abhorrent, but they especially have no place in our Federal courthouses, where every citizen is held as equal before the law.

Ms. Seibel's confirmation will be an important step to remedying an unfortunate gender gap in one of the country's most important courts.

Finally I would like to say a few words in favor of Mr. Glenn Suddaby, a nominee for the Northern District of New York.

Mr. Suddaby has been a U.S. attorney since 2002, but his ties to the Northern District go back much further than that. He received his B.A. from State University of New York at Plattsburgh, then received his law degree from Syracuse University. Mr. Suddaby then began his long career as a prosecutor in Onondaga County before joining the U.S. attorney's office.

Between college and law school, Mr. Suddaby even spent time as a legislative aide in the New York State Assembly, so he also has experience shaping the law from inside the halls of a legislature. I think its a good idea to have more judges with a little experience writing the law, and not only enforcing it and interpreting it.

Mr. Suddaby has worked especially hard to target corruption in his district, and has demonstrated his commitment to placing the rule of law ahead of ideology.

Both of these nominees will make excellent judges who will be impartial and thoughtful guardians of our legal tradition. I urge my colleagues to support them.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative read the nomination of Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid upon the table.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, JULY 23, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, July 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day, the Senate resume consideration of the motion to proceed to S. 3268, the Energy speculation bill, and that the time during the adjournment count postcloture. I further ask that the time until 11 a.m. be equally divided, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half; that the time from 11 a.m. until 4 p.m. be equally divided and controlled between the two leaders or their designees in 30-minute alternating blocks of time, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, tomorrow, at 11 a.m. in the Rotunda, there will be a congressional ceremony commemorating the 60th anniversary of the integration of the U.S. Armed Forces. In addition, National Security Adviser Hadley will brief Senators in S. 407, from 4 p.m. until 5:30 p.m., tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, July 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LIE-PING CHANG
BRIGADIER GENERAL PAUL E. CRANDALL
BRIGADIER GENERAL JEFFREY A. JACOBS
BRIGADIER GENERAL DEMPSEY D. KEE
BRIGADIER GENERAL ELDON P. REGUA
BRIGADIER GENERAL RICHARD A. STONE
BRIGADIER GENERAL KEITH L. THURGOOD

To be brigadier general

COLONEL GILL P. BECK
COLONEL PAUL M. BENENATI
COLONEL ALTON G. BERRY
COLONEL LESLIE J. CARROLL
COLONEL JOE E. CHESNUT, JR.
COLONEL DAVID G. CLARKSON
COLONEL JANET L. COBB
COLONEL DON S. CORNETT, JR.
COLONEL MARK W. CORSON
COLONEL JOHN J. DONNELLY III
COLONEL JAMES H. DOTY, JR.
COLONEL ROGER B. DUFF
COLONEL GRACUS K. DUNN
COLONEL WILLIAM J. GOTHARD
COLONEL MARK S. HENDRIX
COLONEL PATRICIA A. HERITSCH
COLONEL LEROY WINFIELD, JR.
COLONEL EUGENE R. WOOLRIDGE III

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRUCE W. CLINGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES A. WINNEFELD, JR.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT S. DEMPSTER
RONALD I. GROSS
FRED A. KARNIK

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS G. NORBIE
DAVID K. RHINEHART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ANNE M. ANDREWS
ANTHONY C. BARE
STANLEY T. BREUER
BETHANY L. CHAPPELL
ERICA R. CLARKSON
LARRY O. FRANCE
DEBRA R. HERNANDEZ
HEIDI C. KAUFMAN
JOSE G. MANGROBANG
DOUGLAS L. MCDOWELL
SHARON M. NEWTON
HELEN A. SANTIAGO
MICHAEL J. SCHIEFELBEIN
THOMAS J. SCHYMANSKI
TRACY A. SMITH
BARBARA J. SYLER
KIM N. THOMSEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID E. BENTZEL
ERICA CARROLL
JERRY R. COWART
ROBERT A. GOODMAN
MARGERY M. HANFELT
SCOTT E. HANNA
KENNETH O. JACOBSEN
CHRISTOPHER E. KELLER

CINDY A. LANDGREN
LORRAINE L. LINN
MARGARET S. NEIDERT
JOHN PARSONS
GREG SATURDAY
ANN M. SCHIAVETTA
MAX L. TEEHEE
YVONNE A. VAN GESSEL
SHANNON M. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CARLOS C. AMAYA
CAROLYN ANDERSEN
SUSAN J. ARGUETA
CHRISTOPHER D. BAYSA
SHARON M. BEACH
SANDRA J. BEGLEY
RICHARD A. BEHR
LYNN BLANKE
TAMMIE S. BOEGER
PATRICIA A. BORN
LISA M. BOWER
JOSEPH M. CANDELARIO
CHERYL Y. CAPERS
LILLIAN CARDONA
COLEEN P. CHANG
RICHARD W. CICHY
MARGARET A. COLLIER
TAMARA L. CRAWFORD
CARLA J. CROUCH
DANETTE F. CRUTHIRDS
TIMOTHY A. CUEVAS
KATRYNA B. DEARY
SPENCER D. DICKENS, JR.
TONYA F. DICKERSON
PAUL R. DICKINSON
FRAME T. DUQUETTE
SHERRI D. FRANKLIN
LORI A. FRITZ
DAVID W. GARCIA
BLONDELL S. GLENN
TINA M. GOSLING
LISA GREEN
MICHAEL W. GREENLY
GENEVIEVE G. GROSSNICKLE
SHAROYN L. HARRIS
MICHAEL A. HAWKINS
CARLOTTA S. HEAD
TRACI M. HEESE
DIANA J. HEINZ
CHARLES D. HENKEL
MELISSA J. HOFFMAN
BRENDA J. HOUSTON
TIMOTHY L. HUDSON
ESTERLITTA L. JACKSON
TRINI L. JEANICE
CHRISTINE M. KRAMER
WILLIAM L. KUHNS
FRANK LEE
VIKI J. LEEFERS
SUSAN M. LEWIS
REBECCA J. LISI
JAMES A. MADSON
SANDRA I. MARTIN
PATRICK MCANDREW
SUE A. MCCANN
DAVID MENDOZA
CHRISTOPHER MILSTEAD
MICHELLE L. MUNROE
FLOREYCE A. PALMER
HANNAH S. PARK
LILLIAN M. PETERSON
CYNTHIA N. PHILLIPS
MELONIE G. QUANDER
ANA L. RAMIREZ
YVETTE L. RILEY
DONNA S. RUMFELT
LETICIA SANDROCK
REBEKAH SARSFIELD
MARY J. SHAW
CHARLOTTE M. SHELL
ALLEN D. SMITH
EVELYN TOWNSEND
BRADLEY C. WEST
WILLIAM G. WHITE
MICHELLE M. WILLIAMS
SELINA G. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KIMBERLEE A. AIELLO
PAUL B. ANDERSON
WILLIAM P. ARGO
ADRIENNE B. ARI
SUSAN D. ARNETT
GREG R. ATKINSON
ERIC E. BAILEY
MICHAEL K. BARDOLF
DANIEL T. BARNES
BRIAN R. BAUER
CARLENE A. BLANDING
MARK J. BONICA
MICHAEL D. BRENNAN
MICHAEL F. BRESLIN
DEIDRA E. BRIGGSANTHONY
AMY C. BRINSON
BRADLEY L. BROOKS
KEVIN D. BROOM
EDWARD A. BRUSHER
JUDITH L. BUCHANAN
EVA K. CALERO
DAVID J. CARPENTER, JR.
JAMES D. CARRELL
JORGE D. CARRILLO
ANDREW D. CENTINEO
JOSE L. CHAVEZ
CHRISTOPHER M. CHRISTON
RHONDA B. CLARK
JOANNE M. CLINE
KEVIN E. COOPER
TSEHAI CROCKETTLYNN
JULIA A. DALLMAN
THOMAS D. DAVENPORT
SOO L. DAVIS
DENIS G. DESCARREAUX
KEVIN M. DUFFY
WILLIAM T. ECHOLS
ERIC S. EDWARDS
DUSTIN K. ELDER
JAMES R. ERVIN
ERIC W. FALLON
ERIK J. GLOVER
CHRISTOPHER J. GRAHEK
ALFRED A. HAMILTON
DAVID P. HAMMER
KEVIN G. HART
MICHELLE B. HOCKMUTH
SHEREEN R. HUGHES
PETER KALAMARAS, JR.
WILLIAM J. KAYS
VIVIAN K. KEY
VIBOL C. KHEIV
LELA C. KING
HEATHER A. KNESS
WILLIAM A. LATZKA
KERRY A. LEFRANCIS
KENNETH A. LEMONS
INGRID LIM
RICHARD S. LINDSAY III
WILLIAM R. LOVE
PATRICK F. LUKES
STEVEN D. MAHLEN
PAUL B. MANN
DANIEL E. MCCARTHY
DANIEL C. MCGILL
JOHN A. MCMURRAY
JOHN J. MELTON
CLAY R. MILLER
JOHN M. MILLER
GERARDO J. MORALEZ
DANIEL J. MORONEY
TERRELL G. MORROW
DONALD R. NEFF
JOSE I. NUNEZ
STEPHEN L. OATES
TIMOTHY G. OHAVER
DENNIS S. PALALAY
SHAWN I. PARSONS
GABRIELLA M. PASEK
KYLE A. PATTERSON
JAMES G. PERKINS
KEVIN K. PITZER
FRANCISCO J. PORTALS
MICHAEL H. PRICE
JOSEPH C. RHENEY
KARLOTTA A. RICHARDS
MICHAEL C. RICHARDSON
ANDREW J. RISIO
BRADLEY L. ROBINSON
BRADY H. ROSE
JOHN G. SANCHEZ
TROY D. SCHILLING
PHILIP E. SHERIDAN
ALAN E. SIEGEL
MELANIE A. SLOAN
RACHELE M. SMITH
STEPHEN P. SPELLMAN
MARK D. SWOFFORD
JONATHAN R. SYLVIE
THOMAS C. TIMMES
JAMES Q. TRUONG
MYRANDA L. VEREEN
ANDREW J. VITT
CHRISTINE M. WATSON
JOSEPH L. WILLIAMS
JEFFREY S. YARVIS
SHANNON M. ZEIGLER
CHUNLIN ZHANG
D0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

TIMOTHY J. MCCULLOUGH

To be lieutenant commander

JAE WOO CHUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILLIP J. BACHAND
GLEN D. BOURQUE
SCOTT L. CARPENTER
COLIN M. CASWELL
CRAIG T. COLEMAN
STEVEN W. CONNELL
ELLEN H. DUFFY
JAMES J. GALOPPA, JR.
RICKY L. GILBERT
KEVIN M. GLANCEY
MICHAEL P. GRAMOLINI
LANCE A. HARPEL
CHARLES A. JOHNSON
JACKIE D. KNICK
MICHAEL LAPRADE
RALPH B. LYDICK
ROSARIO D. MCWHORTER
GILBERT P. MUCKE
JAMES L. MUNIZ
CLIFTON B. MYGATT
CAROL J. SCHRADER
JOSE A. SEIN
RICHARD W. SHARP
KURT E. STRONACH
MICHAEL C. THIBODEAU
JOSEPH P. TUBBS
GARY L. VANERT
MICHAEL A. WHITT
ALLEN M. WILLIAMS
GILBERT L. WILLIAMS

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, July 22, 2008:

THE JUDICIARY

CATHY SEIBEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

GLENN T. SUDDABY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

EXTENSIONS OF REMARKS

IN HONOR OF MR. LARRY BINGER 28TH NATIONAL VETERANS' WHEELCHAIR GAMES ATHLETE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Larry Binger for his service and dedication as a veteran and accomplished wheelchair athlete. Mr. Binger is a disabled veteran who has become an enthusiastic competitor and an inspiration to the people of Delaware. As he has for the past twenty one years, he will serve as Delaware's lone representative at the twenty eighth National Veterans' Wheelchair Games in Omaha, Nebraska starting July 25.

Beginning in 1981, the Veteran's Affairs department and Paralyzed Veterans of America began the National Veterans' Wheelchair Games. The Games host nearly six hundred athletes from forty six states with the help of hundreds of sponsors. These athletes range from survivors of World War II to those who served in Afghanistan and Iraq. More than twenty five percent of the athletes have been disabled for more than twenty five years. The Games allow participants to compete in various sporting events despite their physical challenges.

While serving in Vietnam, Mr. Binger injured his back working on his ship, the USS *Shangri La*. Following his injury, in order to stay active, Mr. Binger began competing in wheelchair marathons. He represents Delaware at the National Games in multiple events including javelin, discus, archery, bowling, trapshooting and various fishing events. Mr. Binger competes in the masters division of these events, with an excellent showing last year. In addition to his perseverance and rigorous training, Mr. Binger is passionately committed to serving other veterans. He has been a member of the Patriot Guard Riders for several years, considering it an honor to attend the funerals of fallen comrades. In competing as a disabled athlete, Mr. Binger strives to set an example that will give hope to both long-time and recently disabled veterans in the tri-state area. The highest commendations should be bestowed upon this devoted individual.

I acknowledge and thank Mr. Larry Binger for his exceptional service to the Navy, our country, and now the community of Delaware. Our veterans here are truly privileged to have such an excellent competitor represent them in the National Veterans' Wheelchair Games. I am confident that Mr. Binger will continue to serve Delaware with honor. I wish him the best of luck at the Games next week and with all of his endeavors henceforth.

IN HONOR OF MINNESOTA'S NEW VFW STATE COMMANDER, STAN KOWALSKI

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mrs. BACHMANN. Madam Speaker, I rise to pay tribute to Minnesota's new VFW Commander, Stan Kowalski, who was officially installed last month at a ceremony in Moorhead, Minnesota. As the VFW has itself noted, Stan Kowalski may very well be the last state commander nationwide to emerge from that Greatest Generation, veterans of the Second World War.

Though he numbers in years 82, Stan Kowalski is a vibrant, active, energetic citizen. In fact, he's made no secret of the fact that he entertains the idea of running for National Commander of the VFW in the future.

Kowalski is a strong advocate for those who once and those who now wear the uniform. He has been a frequent visitor to Camp Ripley and the Air Force Reserves' 934th Airlift Wing to see our troops headed off overseas. He's organized VFW post dinners for families of deployed Marines. And, he's served on the VFW's national POW/MIA Council. In fact, he gave the eulogy when PFC Robert Cahow returned home from Germany to Clear Lake, Wisconsin, after 57 years missing.

Kowalski has shown a particularly great deal of compassion for those of his comrades who have fallen on hard times and are experiencing a time of need. He has noted that during his tenure as state commander, he will work closely with the Minnesota Assistance Council for Veterans to help the estimated 700 homeless veterans across Minnesota. He calls those veterans a ''Lost Brigade'' and notes that his mission is ''making sure they get found and get the help they need.''

While his commitment to his fellow veterans runs strong and deep, he has also served his community in other ways. He was a longtime member of the School Board in Spring Lake Park District 16, a Little League coach, an Olympic torch carrier, and a 9/11 memorial organizer. Stan Kowalski, who many know from his 26-year career as a pro-wrestler with 19 major titles, has been a prolific fundraiser for efforts ranging from the Greater Twin Cities United Way to the ROTC to Save Our Sports for the University of Minnesota.

Madam Speaker, I join all of Minnesota in paying tribute to the great energy and good works of Commander Stan Kowalski.

TRIBUTE TO SHIRLEY RAMAEKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Shirley Ramaeker for her many years of service at the Eagle Grove, Iowa, Fareway Economical Food Store.

For the past 20 years, Shirley has served the people of Eagle Grove as an outstanding and dedicated employee, offering reliable and friendly service. In fact, members of the community often wait in her line just to have their groceries checked out by her. Shirley's commitment to her job and her customers has earned her admiration, trust and friendship from her fellow co-workers. Great service goes a long way, and I am honored to see fellow Iowans like Shirley providing service second to none.

I know that my colleagues in the United States Congress join me in commending Shirley Ramaeker for her service to Eagle Grove and the Fareway Food Store. I consider it an honor to represent her in Congress, and I wish her the best in her future endeavors.

TRIBUTE TO STAFF SERGEANT WILLIAM RYAN FRITSCHE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of a soldier who died honorably serving his country in Afghanistan as a part of Operation Enduring Freedom. Staff Sergeant William Ryan Fritsche made the ultimate sacrifice for our country and we honor him for his service.

Staff Sergeant Fritsche joined the U.S. Army under the delayed entry program at the age of 17, two weeks after the September 11, 2001 attacks. He was first stationed with the Old Guard, the 3rd United States Infantry Regiment, the Army's official ceremonial unit and Escort to the President, which is based in Arlington, Virginia. In January 2007, Staff Sergeant Fritsche left the Old Guard and joined the 1st Brigade, 91st Calvary regiment, 173rd Airborne unit based out of Vinceca, Italy. With this new unit, he left in March for a 15 month deployment to Afghanistan.

In July of 2007 at the age of 23, Staff Sergeant Fritsche was killed in action while leading a dismounted patrol in Kamu, Afghanistan in support of Operation Enduring Freedom. He was awarded the Bronze Star, the Purple Heart, a NATO citation, an Afghanistan Campaign Ribbon and the Combat Infantry Badge.

I commend Staff Sergeant Fritsche for his commitment to our country and his courage to fight for freedom in an unsettled world. Without doubt, his bravery gives his mother, Mrs. Volitta Fritsche of Martinsville, Indiana, and his widow, Mrs. Brandi Nicole Fritsche of Maryland's 2nd Congressional District, great pride. In honor of Staff Sergeant Fritsche's commitment to preserving the freedom of our nation, friends and relatives have established an ongoing scholarship in his name, the SSG W. Ryan Fritsche Memorial Scholarship Fund.

Madam Speaker, I ask that you join with me today to honor the patriotism and dedication of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Staff Sergeant William Ryan Fritsche. His love of country and willingness to serve will forever reverberate in our memories. It gives me great pride to honor one of our nation's fallen heroes.

RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. VISCLOSKY. Mr. Speaker, it is my honor and privilege to stand before you today in support of H. Con. Res. 297, a measure that recognizes the 60th anniversary of the integration of the United States Armed Services.

On July 26, 1948, President Harry S. Truman signed Executive Order 9981, declaring that all members of the military are equal regardless of race, color, religion, or national origin. These long-overdue words marked the beginning of the end of institutionalized discrimination in the U.S. Armed Services, and instilled into the military the democratic principle of equality.

Prior to this executive order, minority soldiers not only fought against our enemies, but also struggled against prejudice at home and in the military. In spite of these unjust circumstances, many segregated units were universally renowned for their courage and valor, such as the 54th Massachusetts Regiment during the American Civil War, the Harlem Hellfighters (369th Infantry Regiment) in World War I, and the Tuskegee Airmen and the 100th Battalion and the 442nd Combat Infantry group in World War II. We should never forget the sacrifices they made to preserve the ideals of freedom and democracy.

It has been 60 years since President Truman courageously and justly integrated the U.S. Armed Services. Our military was strong then, but it is stronger now, in no small part because all service men and women serve together as equals. Indeed, this year America may elect its first African-American Commander in Chief.

Indiana's First Congressional District enjoys a rich diversity that has helped produce some of the most capable units in the armed services. Servicemembers from Northwest Indiana have fought in integrated units during every military engagement since World War II. Right now, Indiana has the fourth-largest National Guard in the United States, with more troops deployed in Iraq than any other State in the union. I am extremely proud of the patriotic men and women from Indiana who have served and are serving in uniform, and thank them for their service to our country. The successes of Indiana's men and women in uniform of all races, colors, religions, and countries of origin, and across all generations, have been echoed throughout the Nation.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring the 60th anniversary of the integration of the United States Armed Services. Such integration has enriched our military with the same democratic equality that they have fought so valiantly to protect.

RECOGNIZING ARIZONA STATE ATHLETICS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Arizona State University Athletics Program, the top school in Sports Illustrated's SI.Com 2007–2008 collegiate athletic rankings. I am proud to have such a prestigious athletic and academic institution housed in my district!

This year, Sports Illustrated commissioned its own ranking system for top collegiate athletic programs because the magazine believed that the National Collegiate Athletic Association's (NCAA's) system for determining the top collegiate athletics program was too complicated. Based upon three qualifications—the number of national championships won in the 2007–2008 season, number of top 30 finishes in each sport, and the number of conference championships—ASU was awarded the top honor.

The Sun Devils pulled off this feat by claiming three NCAA national titles in Men's and Women's Indoor track and ASU Women's softball, four conference championships including women's softball, men's baseball, men's golf and men's track, and 12 top 30 finishes including a surprising top 20 finish in men's football. With three national titles, ASU led the NCAA in championships this season. In addition, ASU placed fourth in the Director's Cup standings, the official award given out by the NCAA for top collegiate athletic programs. This is the Sun Devils' highest ranking in school history!

As an alumnus of Arizona State, I am honored and excited to see my alma mater's athletic excellence honored on a national stage. I want to congratulate President Michael Crow, athletic director Lisa Love, all the coaches and staffs, and most of all, the student athletes who excel on the field and in the classroom.

Madam Speaker, please join me in celebrating the remarkable success of Sun Devil athletics. Go, Devils!

RECOGNIZING THE 150TH ANNIVERSARY OF DAVIS COLLEGE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. KAPTUR. Madam Speaker. I rise to recognize the sesquicentennial celebration of Davis College in Northwest Ohio. The Toledo, Ohio college has offered post-secondary business education to generations of students for 150 years and continues to grow.

Toledo Business College was established in 1858. It came into its own in 1881, when ''Matthew H. Davis left his chairmanship in the mathematics department and his position as director of the business department at Albert College, Belleville, Ontario, to accept the management of Toledo Business College.'' Under his tutelage the school grew tenfold, from 35 students to 350.

The college's history recounts that under Davis' direction, four other schools were absorbed and the school was renamed Davis Business College. ''The curriculum was gradually changed from Latin, German, Greek, calculus, and epistolary writing to banking, mercantile trades, shorthand, and typing.

''After Davis' death in 1904, his son, Thurber P. Davis, left the University of Michigan to take over the management of Davis Business College. Under the leadership of the younger Davis, electric typewriters were added, making the College one of the best equipped in the United States. Stenotype and data processing augmented the expanding curriculum.

''In 1948, when Thurber became ill, his daughter, Ruth L. Davis, became the third generation of the Davis family to lead the school. In 1953, Davis Business College was among the first to be accredited by the Accrediting Commission for Business Schools. In 1964, it met commission requirements for a junior college of business. Office management, payroll accounting, and the Automation Institute were added to meet the growing needs of business and technology.

''In 1983, John Lambert became President of Davis College. President Lambert expanded the Davis curriculum to include allied health, aviation, computer, and graphic design programs, which doubled the College's enrollment. In 1986, Davis met the requirements for accreditation by the American Association of Medical Assistants. In 1991, Davis College was granted accreditation by the Higher Learning Commission of the North Central Association.

''In 1993, Diane Brunner became the fifth President of Davis College. At the time of her appointment, she was the youngest female college president in Ohio. In 2002, Davis College hosted its first student conference, bringing nationally renowned authors to the institution. As was true of all past Davis College leadership, President Brunner is dedicated to the promotion of higher educational standards and continuing the College's service to the community.''

This family owned century business in Toledo, Ohio remains a standard of business education in our region, all the while expanding into other fields of study. In the present day, the college was named as one of the 2008 Ohio's best employers by the Ohio Chamber of Commerce. This year as well, Davis College earned the Better Business Bureau's Torch Award for marketplace ethics. As Davis College grows into its third century in the business of educating people, it remains true to its founders' dedication to preparing its students for success while adhering to the highest standards and latest technologies in the fields of study. Standing on the shoulders of those who built its foundation, Davis College honors the vision of its past leaders while looking forward to a bright future.

TRIBUTE TO IOWA SELECT FARMS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Iowa Select Farms in Iowa Falls, Iowa for earning the ''Above and Beyond'' award from the Employer Support of the Guard and Reserve (ESGR) organization, for

supporting its employees who are in the National Guard or Army Reserve.

The ''Above and Beyond'' award received by Iowa Select Farms was preceded by a ''My Boss is a Patriot'' certificate in 2005, which was awarded after an Iowa National Guard employee nominated the farm for providing special consideration and benefits during his deployment. Iowa Select Farms' corporate policy obliges the company to pay a year's salary while a soldier employee is deployed, thereby removing considerable stress and uncertainty in how a soldier can provide for his or her family while serving abroad. By providing top notch support to its military employees, Iowa Select Farms shows the respect and honor deserved by America's troops, who continue to sacrifice for our nation.

I offer my utmost congratulations and thanks to Iowa Select Farms for playing such an active role in supporting our troops. It is an honor to represent Jeff Hansen, President and CEO, and all the employees of the Iowa Select Farms in the United States Congress, and I wish them success in their future endeavors.

DRILL RESPONSIBLY IN LEASED LANDS ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2008

Mr. HOLT. Mr. Speaker, I rise today in support of the DRILL Act, H.R. 6515. We continue to hear from my colleagues on the other side of the aisle that opening up more Federal lands to oil and gas drilling will be the magic bullet that will solve our energy crisis. They continue to try to mislead the American people into believing that drilling on the Outer Continental Shelf, OCS, and the Arctic National Wildlife Refuge will bring instantaneous relief to American families desperately seeking help with painful gas prices. There is no easy solution to this crisis, and it is widely accepted that drilling in OCS would save only pennies per gallon, more than a decade down the road. It is unseemly that my colleagues would continue to take advantage of the suffering of Americans to promote their own political aims.

Currently 81 percent of the oil and gas deposits known in our Nation's Federal lands is available to be leased for drilling. Sixty-eight million acres, approximately 75 percent, of the lands open for drilling both onshore and offshore currently are leased by oil companies who are not using them for production. It is estimated that these leased but unused lands could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day, nearly doubling U.S. oil production and cutting oil imports by a third. This includes the 20 million acres with an estimated 10.6 billion barrels of oil in the National Petroleum Reserve-Alaska, NPR–A, currently available for drilling but most of which is lying unused.

The DRILL act would require oil companies to certify to the Department of the Interior that they actively are developing on the lands that they have already leased. If these oil companies are not producing on these lands, they either would have to relinquish these leases or start producing on them before they could apply to lease additional lands. It would encourage expedited oil production by requiring the Secretary of Interior to offer at least one lease sale annually in NPR–A. H.R. 6515 would require the Secretary of Transportation to extend the Alaskan oil and gas pipeline to NPR–A, and require the President to make improvements to the existing oil and gas pipeline so that we can export oil more expeditiously. Finally, the DRILL Act would prevent the export of Alaskan oil and gas so that this supply is available for American consumers.

This is common sense legislation, and I urge my colleagues who keep shouting ''drill, drill, drill'' to support it. We do not need to open up more lands to oil and gas drilling when they are not utilizing the leases and resources they already have.

This is only a short term solution to America's energy needs. Currently we produce 3 percent of the world's oil and consume 25 percent. Unless we find a way to dramatically reduce our consumption we will never be able to drill our way to energy independence. I look forward to working with my colleagues on both sides of the aisle to develop a long term solution to this crisis.

HONORING THE INTERNATIONAL MODEL A FORD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ISRAEL. Madam Speaker, I rise today to honor the contribution of the International Model A Ford to the history of U.S. transportation. This is a significant week for Model A owners across the country. I rise to specifically applaud the Model A Ford Club of Long Island, New York as they celebrate Model A Ford Day on Saturday, July 26th in my Congressional District.

This year's annual remembrance is momentous for owners as it falls on the 80th anniversary of the introduction of the first 1928 Model A Ford. This weekend's celebration of their car's 80th birthday will include thousands of Model A Ford enthusiasts, restorers and preservers taking these vehicles out on American roadways nationwide and events with other Model A enthusiasts.

Notably, there were only 5 million Model A Fords produced between 1928 and 1931. I am pleased to say that the dedication of Model A Ford owners has enabled 250,000 of these historic vehicles to be preserved. Remarkably, most of these vehicles are driven regularly to the enjoyment of many as I have seen in my Congressional District.

The Model A Ford was a trailblazer of its time. It was the first Ford to use the standard set of driver controls, with conventional clutch and brake pedals, throttle and gearshift. The Model A's fuel tank was located in the cowl and had an optic fuel gauge and the fuel was distributed to the carburetor by gravity. Also, the Model A was the first car to have safety glass in the windshield.

Again, thank you to Model A Ford owners for preserving a flagship American automobile and to the Model A Ford Club of Long Island for keeping this historic tradition active on Long Island.

HONORING VOLKER EISELE OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Volker Eisele, who is being honored as the Napa County Farm Bureau's 2008 Agriculturalist of the Year.

I have had the honor for the past 10 years to represent in the U.S. House of Representatives the Napa Valley, an area known throughout the world for its immense beauty, environmental consciousness and bountiful agriculture. Were it not for the tireless efforts of Mr. Eisele, Napa Valley as we know it today would simply not exist.

Since arriving in the Napa Valley, Volker Eisele has dedicated his life to protecting its rich agricultural tradition. The timeline of his community involvement reads like the history of preservation in Napa. In 1974, he joined Citizens' Council for Napa Tomorrow, the group that passed Napa County's 1 percent growth measure, Measure A, in 1980. In 1977, he joined the board of what is now Greenbelt Alliance, which has become one of the preeminent Smart Growth organizations in the San Francisco Bay Area. He has also served on the boards of directors for the Napa County Farm Bureau and the Napa Valley Grapegrowers. During his term as President of the Farm Bureau, he led the effort to create the 160 acre minimum for agricultural, watershed and open space land.

From 1989 through 1990, in what was perhaps his crowning achievement, he led the campaign to pass Measure J, Napa County's revolutionary land protection measure. Today, he is organizing the campaign to renew Measure J, which will protect Napa Valley agriculture for fifty years.

Mr. Eisele has been a preeminent activist in Napa Valley for more than thirty years, but he has also led by example. He planted the first entirely organic vineyard in Napa in 1975, and practiced sustainable farming long before it became widely accepted. He has maintained an enduring reverence for the land that serves us all so well, respecting animal habitat and riparian corridors. As a result, his Volker Eisele Family Estate wines reflect the best that Napa has to offer.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Volker Eisele for his many years of leadership. The Napa Valley and the entire environmental movement owe him an enormous debt of gratitude.

HONORING ARMY SPECIALIST STEVEN CHRISTOFFERSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. MOORE of Wisconsin. Madam Speaker, in April, over 350 friends, family members, and others in the community inspired by the life of Army Specialist Steven Christofferson gathered at the Cudahy High School Field House in my district to pay their respects to

this remarkable young man whose life was cut tragically short in Iraq last month.

Today, I want to take to the floor to share with my colleagues and with the American people this young man's story and his untimely sacrifice.

So, who was this young man? He was a proud member of Delta Co., 1st Battalion, 327th Infantry, 101st Airborne Division, Mad Dog 5th Platoon stationed at Fort Campbell, Ky. His awards and decorations include: National Defense Service Medal; Global War on Terrorism Service Medal; Army Service Ribbon; and Weapons Qualification, M4, expert. At his memorial service, Wisconsin Army National Guard BG Mark Anderson presented the family four medals, including a Bronze Star and a Purple Heart.

He was devoted to family and a caring son to his mother, Michell, herself having served in the Air Force. According to Michell Christofferson, he was an older brother who loved his siblings and earned their respect. And, in her words, he deserved it because ''he was kind and he was thoughtful, and he was a caring young man.''

According to his mother, in e-mail exchanges with her, he said he would be her angel. She praised him for being a best friend to his younger brothers—Dakota (17) and Dillon (11)—as well as defending them when needed or taking action to keep them on the straight and narrow if called to do so. He was caring, positive and respectful, a protector of his family.

He grew up too fast and was taken too soon.

He was also a valuable member of a community. Christofferson was a 2006 graduate of Cudahy High School, where he was a member of the football, wrestling and track teams. He will be sorely missed. His Cudahy High School Principal, Christopher Haeger, remembered encountering Steven the day he enlisted in the Army. ''He was very, very excited,'' Haeger said. ''I know it was an important part of his life.'' Or as his brother Dakota put it, ''He felt like he had to do something, go help people.''

He deployed to Iraq in September. But he kept in close touch with his family. According to media reports, he spoke with his mother and brother just hours before his death.

I can find no words more appropriate than those of Steven's own mother to sum up my brief remarks on this remarkable life. At his memorial service earlier this year, his mother closed—expressing the sentiments of a community and a grateful Nation—with these words: ''Fly with the angels, my baby boy. We miss you lots and love you more.''

The Bible says we should give honor to those whom honor are due and respect to those whom respect is due. Today, I rise to honor this young man and to ask that the balance of my time be reserved for a moment of silence as a mark of tribute to Specialist Steven Christofferson and of support for his family.

TRIBUTE TO GENERAL RICHARD CODY ON THE OCCASION OF HIS RETIREMENT FROM THE U.S. ARMY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. MURTHA. Madam Speaker, on August 4 of this year, the name of one of the great military leaders of our time will pass on to the retirement rolls. I am speaking of my good friend, GEN Richard Cody, the 31st vice chief of staff of the United States Army.

On August 4 our Armed Forces will lose one of its greatest warriors. GEN Dick Cody has commanded American soldiers for 20 of his 36 years of service. In 1991, then Lieutenant Colonel Cody personally led Task Force Normandy, the joint aviation task force that fired the opening salvoes of the gulf war, and, as GEN H. Norman Schwarzkopf recounted, ''plucked out the eyes'' of Saddam Hussein's air defenses. Cody went on to command the First Cavalry Division's Aviation Brigade; the 160th Special Operations Aviation Regiment; the fabled 101st Airborne Division ''Screaming Eagles''; as well as commanding in our Nation's most elite special operations unit.

On August 4 our Armed Forces will lose a gifted strategic leader. With 1.3 million men and women serving around the globe, there are few organizations in the world as large and complex as the United States Army. For 6 years, spanning the tenures of 3 Army Chiefs of Staff, 4 Secretaries of the Army, and 3 Chairmen of the Joints Chiefs of Staff, Dick Cody has provided stalwart leadership to our Army. He has overseen the day-to-day details of a plethora of daunting tasks. He oversaw the Army's transformation from a Cold War-era, division-based force, to a modular, brigade-centric force. He revitalized and modernized the Army's aviation forces. He supervised the transformation of the reserve component from a strategic reserve to a part of the operational Army. He is the architect of the Army's growth and restationing plans, which will eventually relocate over one-third of the Army. He has also completely revitalized the outpatient care systems for our wounded warriors and their families.

On August 4 our Armed Forces will lose one of its ''straightest shooters.'' We in Congress rely on senior uniformed leaders to give us apolitical, straight forward assessments based on their years of military experience. No one shoots straighter with the Congress and the American people than Dick Cody. Going back to his first testimony before the Congress in 1999, when he warned the Nation to ''beware of a 14 division mission with a 12 division Army,'' he has never flinched from hard questions, and he never sugar coats the truth.

On August 4 the head of a wonderful Army family will retire, a man who is just as proud to be known as ''Vicki's husband'' and ''Tyler and Clint's Dad'' as he is proud of the stars on this shoulders. The Cody boys, with six combat tours between them, will continue to serve. Vicki Cody will never stop advocating for soldiers and their families, and Dick Cody's own personal ''Rendezvous with Destiny'' will continue.

Madam Speaker, I rise today to acknowledge a 36 year career of heroic and selfless service, one that reflects all that is good and right about our Nation and her Armed Forces. On behalf of the United States Congress, we say ''thank you'' to a man and a family who place the well-being of the American soldier ahead of their own ambitions and dreams. God Bless Dick and Vicki Cody, their sons Tyler and Clint, and God Bless the American soldier who they love so much.

HONORING NEWLY INDUCTED COLLEGE FOOTBALL HALL OF FAME COACH, COACH W.C. GORDON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to recognize the life and accomplishments of one of America's most prolific icons in college football history, Coach William ''W.C.'' Gordon.

Coach Gordon's career in college football began at Tennessee State University, TSU, where he played wide receiver and earned All-Mid Western Conference honors. He was also a 4-year baseball letterman at first base and team captain for the TSU Tigers. After graduating from Tennessee State University in 1952, he went on to serve in the U.S. Army from 1953 to 1955.

After serving in the military, Gordon returned to sports as athletic director and coach for Eva Gordon High School, in Magnolia, MS. He also served at Temple High School, in Vicksburg, MS, in 1966, where he coached his team to the High School Football Negro Big 8 Conference state championship with an 11–0 record in 1966.

From 1967 to 1994, Coach Gordon led and mentored at Jackson State University in a multitude of coaching capacities. Though most known for football, Coach Gordon served as head baseball coach from 1971 to 1972, leading the Tigers to the Southwestern Athletic Conference, SWAC, baseball title in 1972.

As interim and head football coach, Gordon became one of the most winning coaches in the history of college football with 28 consecutive league victories and a career record of 119–47–5. Gordon coached 65 JSU players into the National Football League. Gordon was inducted into the SWAC Hall of Fame in 1994.

Gordon coached the Tigers to eight SWAC Championships and was awarded SWAC Coach of the Year honors six times. He has been inducted into Mississippi Conferences Hall of Fame & Museum in 1977 and most recently was enshrined in the National Football Foundation's College Football Hall of Fame in South Bend, IN on July 18–19.

Again, it gives me great pleasure to recognize and honor one of America's finest legendary football icons and true patriots of the game, Coach W.C. Gordon. His legacy not only left a mark on Black college football but also on college football at-large.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. LEE. Madam Speaker, on July 16, 2008, by voice vote the House passed H.R. 5959, the Intelligence Authorization Act for 2009. I did not support this legislation and would have voted against passage had a roll-call vote been held.

THE 34TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. VAN HOLLEN. Madam Speaker, today we commemorate the 34th anniversary of the Turkish invasion of Cyprus. Today we also honor the memory and sacrifice of the nearly 200,000 Greek Cypriots who were forcibly removed from their homes, the 5,000 Cypriots who were killed during the invasion and the nearly 1,500 Greek Cypriots who remain missing to this day.

Cyprus and the U.S. share a deep and abiding commitment to upholding the ideals of freedom, human rights, and the international rule of law. As that commitment is tested, we must draw on our common values and mutual democratic vision to promote stability, prosperity and peace.

The United States has a moral and ethical obligation to stand with Cypriots to reunify their island and end the military occupation. We will continue to work together with the people of Cyprus toward their goal to reunify the island as a bicommunal and bi-zonal federation with a single sovereignty, single international personality and single citizenship with respect for human rights and fundamental freedoms for all Cypriots.

By working together and building on our common values and interests, the people of Cyprus and the United States can achieve a united island that fulfills the promise of peace and democracy for which a generation of Cypriots have paid so dearly.

TRIBUTE TO ROBERT C. LOBDELL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life and legacy of Robert C. Lobdell of Menlo Park, California, who passed away on Monday, July 7, 2008 at the age of 82. He leaves his beloved wife Nancy to whom he was married for almost 56 years; his four children, Jim, John, Terri and William; and 11 grandchildren.

Born in Mankato, Minnesota in 1926, Robert Lobdell moved to Manhattan Beach with his family in 1942. During World War II he served in the Army Air Forces and later attended Stanford University where he earned a law degree in 1950. He married Nancy Lower in 1952 and they lived in Long Beach, California for more than 30 years before moving to Menlo Park in 2004.

After receiving his law degree, Mr. Lobdell went on to work for the Los Angeles Times and the Times Mirror, the newspaper's former parent company, from 1965 to 1986. During his time there, Mr. Lobdell served as vice president and general counsel, successfully argued numerous major media cases, and developed a reputation as one of the Nation's leading First Amendment attorneys. Among his many important media cases, Mr. Lobdell successfully argued that a newspaper had the right to control the content of advertisements it publishes and won a landmark media case in 1982 brought by the Federal Trade Commission, which tried to stop the practice of media companies giving discounts to frequent advertisers. He also worked to free Times reporter Bill Farr in 1973 after he was jailed for refusing to reveal his source to a judge in the Charles Manson murder case.

Mr. Lobdell received numerous accolades from his peers and earned their respect, admiration and affection. He was known as a hard-working, kind colleague, and a fine lawyer who advocated hard-hitting journalism and fiercely tackled legal challenges to protect and support the editors and journalists at the Times.

Mr. Lobdell was a devoted husband and father and when he wasn't working, he spent time with his wife and children. An active member of the community, he served on the boards of numerous organizations. He had a love of the arts and at age 60, he became part of the student body at Cal State Long Beach, taking classes including Italian, literature and history, as well as a study abroad program. His family remembers his great enthusiasm for life which lasted until the end.

Madam Speaker, I ask the entire House of Representatives to join me in honoring the life of Robert C. Lobdell and in extending my deepest sympathies to his entire family during this difficult time. As an exceptional lawyer and free speech advocate, a loving husband, father and grandfather, he has left lasting legacies which have made our country stronger and better.

HONORING THE FEDERAL DRUG AGENTS FOUNDATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ISRAEL. Madam Speaker, I rise today to recognize the Federal Drug Agents Foundation and its work to support and recognize federal agents, task force members and their families.

The Federal Drug Agents Foundation is a Long Island-based, not-for-profit organization that provides many services to the men and women who risk their lives to make this country safer and drug-free. The organization also provides these services to the family members of these men and women, as well.

The Foundation serves as an anchor of support for the American law enforcement community. It provides bereavement support and financial assistance for families of agents and task force members who die in the line of duty, including individual grants. The Foundation also provides support to agents and task force members who become injured in the line of duty.

When agents and task force members experience grave financial loss or severe trauma or encounter situations for which there is no other source of assistance available, the Foundation steps in to provide relief. This support is essential for those agents who put their lives on the line to keep Long Island safe.

The Foundation has also established a scholarship fund for agents and task force members who wish to pursue degrees in criminal justice, political science, law and related areas. This helps ensure our law enforcement community can benefit from the knowledge and experience of these hard-working, dedicated men and women. Funds like this make it possible to encourage future generations of committed agents in the criminal justice sector.

The Federal Drug Agents Foundation also makes charitable grants to Federal, State and local law enforcement related agencies. Among the organizations supported by the Foundation are the Drug Enforcement Administration, DEA, Immigration and Customs Enforcement, ICE, the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, the Federal Bureau of Investigation, FBI, and various State and local law enforcement agencies and support groups.

I am honored to recognize the generosity and compassion of the Federal Drug Agents Foundation for the services it provides on Long Island. I applaud the Federal Drug Agents Foundation for their steadfast support and dedication.

TRIBUTE TO LARRY REIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Larry Reis for reaching an important milestone as a public servant to the people of Winneshiek County, Iowa.

For the past 25 years, Larry has served on the Winneshiek County Conservation Board (WCCB). Before working on the County Conservation Board, he grew up in Lime Springs, Iowa, where he followed in the footsteps of his parents and grandparents by enjoying his time with nature and becoming a passionate outdoorsman. Larry's first job was a campground manager in Little Sioux, Iowa.

In 1983, Larry became the WCCB naturalist and maintenance technician. Ten years later, another staff person was hired, which allowed Larry to primarily work as the county naturalist. In this past year, WCCB again hired another staff person, and Larry began spending part of his time working as the natural resource manager as well.

I know that my colleagues in the United States Congress join me in commending Larry Reis for his service to Winneshiek County. I consider it an honor to represent him in the United States Congress and I wish him the best in his future work with the Conservation Board.

RECOGNIZING THE 34TH ANNIVERSARY OF THE INVASION OF CYPRUS AND COMMENDING EFFORTS TO REACH A NEGOTIATED SETTLEMENT LEADING TO THE REUNIFICATION OF CYPRUS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. GALLEGLY. Madam Speaker, this past weekend marked the 34th anniversary of the invasion of Cyprus by Turkish forces. During the war, approximately 5,000 Cypriots were killed and close to 200,000 Greek Cypriots were forcibly removed from their homes. This anniversary also marks another year in which Cyprus is divided between north and south and between the Turkish Cypriot and Greek Cypriot communities.

However, despite 34 years of division in Cyprus, I am more optimistic today about reaching a just and lasting settlement than I have been in many years. In February of this year, the Greek Cypriots elected a new president, Demetrius Christofias. Immediately following his election, President Christofias followed through on his commitment to make the solution of the Cyprus problem his top priority.

President Christofias found a willing partner in Turkish Cypriot leader Mehmet Talat. The leaders of the two main Cypriot communities met on March 21 for the purpose of trying to implement the provisions of the U.N.-brokered July 8, 2006 agreement. This agreement, which sets forth a framework for negotiations with the objective of trying to achieve the unification of Cyprus based on a bizonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions. The March 21 meeting also established a number of Working Groups and Technical Committees, as described in the July 8 agreement, in order to prepare the ground for full-fledged negotiations leading to a comprehensive and durable settlement.

The two leaders have already met on three occasions and will meet again on July 25 when they will review the progress of the Working Groups and Technical Committees. It is my hope that both leaders can agree to move forward and begin full-fledged negotiations.

The House of Representatives has already voiced its strong support for comprehensive settlement of the Cyprus issue. On October 9, 2007, the House on a voice vote passed House Resolution 405, which expressed its support for the immediate implementation of the July 8, 2006 agreement as the way forward to prepare for new comprehensive negotiations leading to the reunification of Cyprus within a bi-zonal, bi-communal federation. In addition, the resolution called upon the United States Government to fully support the immediate implementation this agreement in its entirety.

I believe the time is right for a permanent settlement in Cyprus. We have two leaders—President Christofias and Turkish Cypriot Leader Talat—who are ready and willing to reach an agreement. I also believe that the people of Cyprus, whether Greek Cypriot, Turkish Cypriot or members of the other ethnic groups on the island, recognize that a settlement leading to a reunified Cyprus will help lead the way to a future of peace and prosperity.

LEADING MELANOMA RESEARCHERS ESTABLISH LINK BETWEEN UV EXPOSURE AND SKIN CANCER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mrs. MALONEY of New York. Madam Speaker, I want to bring to my colleagues' attention a powerful statement from more than 500 of the world's leading skin cancer researchers on the harmful effects of over-exposure to ultraviolet radiation.

The petition was prompted by a national media campaign initiated by the indoor tanning industry, which seeks to dispel the link between melanoma, the most serious form of skin cancer, and UV exposure from natural or artificial sources (such as tanning beds).

Backed by clear, evidence-based data demonstrating the harmful effects of UV radiation, nearly 500 of the world's premier melanoma researchers expressed their concern by signing a petition affirming the role of UV exposure in increasing one's risk for skin cancer. Please find below the official language of the statement signed by nearly 500 researchers:

MELANOMA RESEARCH FOUNDATION AND SOCIETY FOR MELANOMA RESEARCH'S UV EXPOSURE & TANNING JOINT STATEMENT

There are clear, evidence-based data demonstrating harmful effects of UVA and UVB radiation, including carcinogenic/mutagenic effects on DNA. Purposeful exposure to UV rays increases the risk for skin cancer, including multiple types which may be lethal. Use of indoor tanning (outside of medical practice) represents one of the most striking examples of an avoidable cause of lethal cancer in man. We deplore any efforts to distort scientific research for financial gain, and urge regulatory agencies to crackdown on this practice because the lives of so many people, including young people, are at stake.

The petition was prompted specifically by two ads the Indoor Tanning Association (ITA) ran earlier this year. The ads not only distort scientific research, but ignore the clear, evidence-based data demonstrating harmful effects of UVA and UVB radiation.

I am attaching a press release issued by the Society for Melanoma Research and the Melanoma Research Foundation accompanying the public release of the petition.

RESEARCHERS TAKE HARD LINE AGAINST UV EXPOSURE—HUNDREDS AFFIRM HARMFUL EFFECTS OF ULTRAVIOLET RAYS, DISCOURAGE INTENTIONAL TANNING

WASHINGTON, DC.—Researchers have expressed concern over a new campaign initiated by the tanning industry, which seeks to dispel the link between melanoma, the most serious form of skin cancer, and UV exposure from natural or artificial sources (such as tanning beds). In response, nearly 500 of the foremost experts on melanoma signed a statement affirming the existence of evidence-based data demonstrating the harmful effects of UVA and UVB radiation. The statement, which was initiated at the 5th Melanoma Research Congress in Sapporo, Japan on May 7–12, not only states that UV rays increase one's risk for skin cancer, including melanoma, but also maintains that the use of indoor tanning (outside of medical practice) represents an example of an avoidable cause of lethal cancer.

Studies show that UV light is a carcinogen (i.e. causes cancer). This occurs when skin cells are damaged after UV exposure (either from the sun or a tanning bed). The same DNA damage that triggers tanning also appears capable of causing cancerous mutations in skin cells. If those mutations are not completely repaired—as frequently occurs—skin cancers may result. Additional data demonstrates that indoor tanning devices emit UV radiation that is similar to, and sometimes more powerful than, that emitted by the sun. In fact, a systematic review of worldwide data, published in the March 2007 issue of the International Journal of Cancer, found a prominent, consistent increase—75 percent—in risk for melanoma in people who begin using tanning beds in their teens or twenties. Additionally, the review also showed that people across all age groups who have ever used tanning beds face a 15 percent higher risk of developing melanoma than those who have not. Even more dramatic increases were seen in certain non-melanoma forms of skin cancer, such as squamous cell carcinoma, a tumor that only on occasion spreads from the skin and may then be lethal.

Many scientists also point out that vitamin D, although produced in the skin, can easily be obtained by non-UV related means, such as dietary supplements. These dietary supplements would not carry the risk of cancer associated with UV radiation, in cases where increased vitamin D levels are deemed beneficial.

The Melanoma Research Foundation's (MRF) Scientific Advisory Committee stated, ''The petition was developed to reinforce that the scientific community continues to stand behind strong data supporting the connection between skin cancer and UV-exposure. As physicians and scientists, we are concerned that this campaign may confuse the public, putting them at an increased risk for a disease that is too often lethal.''

Melanoma is one of the fastest growing cancers in the U.S. and can strike people of all ages, all races and both sexes. In fact, one in 50 people have a lifetime risk of developing melanoma. Further, approximately 65 percent of all melanomas are attributed to UV exposure resulting from natural and artificial sources.

A wealth of information exists about how to reduce the risk of developing melanoma and other skin cancers, yet both MRF and SMR advise that the most important measure the public can take is to avoid intentional sunbathing and indoor tanning devices. For those who want to learn safe ways to access to vitamin D and look ''tan,'' or for more information about melanoma and UV exposure, please visit www.melanoma.org or www.societymelanomaresearch.org.

ABOUT MELANOMA

Melanoma, the most serious type of skin cancer, is one of the fastest growing cancers in the U.S., and can strike people of all ages, all races and both sexes. One in 50 people have a lifetime risk of developing melanoma. In fact, in 2008, more than 62,000 Americans are expected to be diagnosed with invasive melanoma, resulting in an estimated 8,400 deaths. Melanoma is the most common form of cancer for young adults 25- to 29-years-old and the second most common cancer in adolescents and young adults 15- to 29-years-old. Nationally, one person dies of melanoma nearly every hour—and this number is rising.

ABOUT THE MELANOMA RESEARCH FOUNDATION

The Melanoma Research Foundation (MRF) is the largest private, national organization devoted to melanoma in the United

States. The Foundation is committed to the support of medical research in finding effective treatments and eventually a cure for melanoma. The Foundation also educates patients and physicians about prevention, diagnosis and treatment of melanoma, while acting as an advocate for the melanoma community to raise awareness of this disease and the need for a cure. The MRF Web site is the premiere source for melanoma information seekers. More information is available at www.melanoma.org.

ABOUT THE SOCIETY FOR MELANOMA RESEARCH

The Society for Melanoma Research (SMR) is an all-volunteer group of scientists working to find the mechanisms responsible for melanoma and, consequently, new therapies for this cancer. SMR contributes to advances in melanoma research by bringing together researchers to unite the scientific community and hasten the discovery of preventative and curative therapies. More information is available at www.societymelanomaresearch.org.

CELEBRATE PEACE EFFORTS ON CYPRUS WITH PROGRESS, NOT PARADES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. ROS-LEHTINEN. Madam Speaker, Turkish Cypriots in the northern region of Cyprus mark every July 20th as the anniversary of Turkey's military intervention in that country in 1974. In fact, as part of the ''Peace and Freedom Day'' celebration this year, the Turkish Naval Frigate ''Gelibolu'' reportedly anchored off the northern region of Cyprus and the ''Turkish Stars''—Turkey's military jet acrobatics team—performed in the skies over northern Cyprus.

For over three decades, significant international efforts have been undertaken to peacefully reunify the island nation of Cyprus. The new Cypriot government is currently working hard to engage with the leadership of the Turkish Cypriots and find a way to end the division of Cyprus, once and for all. Nevertheless, a date for new reunification talks has yet to be set, barricades still stand across the island, and the government of Turkey continues to withhold its public support for the talks and has yet to remove its military presence on Cyprus.

Madam Speaker, these displays this past weekend by the Turkish military are unproductive, coming, as they do, at a time when the status of Cyprus remains in limbo. Cyprus cannot remain a divided island with a divided people.

Congress last year adopted House Resolution 405, a measure I was proud to cosponsor, which emphasized that the reunification of Cyprus should be based on a bi-communal, bizonal federation. Other responsible nations have also stressed that such a reunification should include a single sovereignty and a single citizenship, with the independence and territorial integrity of Cyprus safeguarded. It is commendable that some steps have recently been taken towards establishment of such a solution.

On May 23rd, the President of Cyprus and a designated representative for the Turkish Cypriot community—issued a joint statement in which they reaffirmed their commitment to a bi-zonal, bi-communal federation. Both sides also recently agreed to reopen a crossing point at Ledra Street in Nicosia, a key thoroughfare through that divided capital that has been closed for over 40 years. So there is some movement, but much remains to be done. There must be a solution that will end the occupation, reunite the island, and restore and safeguard the human rights and fundamental freedoms of the Cypriot people as a whole.

I suggest that a more fitting celebration this year of the so-called ''Peace and Freedom Day'' that I mentioned at the start of my remarks would consist of an announcement of the resumption comprehensive talks on reunification and a public expression of support for those negotiations. At some point soon, the final parade of Turkish troops should be their permanent departure from the island of Cyprus and the removal of all Turkish military forces there.

TRIBUTE TO SHARON ALBAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Sharon Alban, co-publisher of the Ogden Reporter, for earning the Distinguished Service Award at the annual Iowa Newspaper Association's convention.

The Distinguished Service Award is the most prestigious honor given by the Iowa Newspaper Association, and former recipients of the award select the winner. Excellence runs in Sharon's household as her husband Gary won the award in 2005. In addition to Sharon's award, the Ogden Reporter was awarded three press awards in the Iowa Newspaper Foundation's annual Better Newspaper Contests.

In 1966, Gary and Sharon bought the Ogden Reporter. Sharon began on the streets selling ads. She found a niche in sales in addition to her day-to-day work with the newspaper. In addition to Sharon's diligent work with the newspaper, she is very active in her church and is involved in many community activities and events.

I know that my colleagues in the United States Congress join me in commending Sharon Alban for her leadership and dedication to representing Iowa in the Ogden Reporter. I consider it an honor to represent Sharon and her husband Gary in Congress, and I wish them the best in their future endeavors.

TRIBUTE TO POCAHONTAS REGULAR BAPTIST CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Pocahontas Regular Baptist Church of Pocahontas, Iowa, on celebrating their 50th anniversary as a congregation.

Beginning in 1955, a group of Baptists began meeting together in Rolfe, Iowa where study classes and evangelical meetings were held in preparation for a new church community in Pocahontas. In January 1958, the Pocahontas Regular Baptist Church was organized. Later that year it was officially received into the General Association of Regular Baptist Churches.

The first services and meetings were held in the Farm Bureau building until 1961, when the first church building was raised. The church building was the former Methodist Church from Havelock, Iowa. The congregation continued to grow, and in 1978, it was decided to build a new church to accommodate the growing congregation. A new church building was completed and dedicated in 1981 and remains the congregation's church today.

Pocahontas Regular Baptist Church has been an integral part of the surrounding Pocahontas community, and for this I offer the congregation my utmost congratulations on a prosperous history. It is an honor to represent all the parishioners and the current Pastor, Tim Kuhn, in the United States Congress, and I wish them continued success, grace, peace and celebration as a community.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Mr. WELCH of Vermont. Mr. Chairman, I would like to thank Chairman REYES and the House Permanent Select Committee on Intelligence for their great work on this bill and for agreeing to include my amendment in the Manager's amendment to the bill.

Mr. Chairman, my amendment recognizes that we have a responsibility to the Iraqis and Afghanis who have willingly put a target on their own backs by choosing to help our servicemen and women and our diplomats. These interpreters put themselves and their families in immense jeopardy every single day.

Unfortunately, Congress has been shamefully slow in ensuring their safety. Only now are we beginning to make progress in providing the opportunity of resettlement to those whose lives are at risk because of their work for us. This has come about largely because of the advocacy of our own troops, who have benefited day in and day out from the services of these interpreters and who have come to call them their brothers. They are asking us to stand up for the people who have stood up for them.

Meanwhile, our intelligence community faces a critical shortfall in linguists and cultural experts. Our national security is jeopardized daily by our inability to field the specialists necessary to translate and interpret valuable intelligence information.

Mr. Chairman, my amendment is simple, it requires the Director of National Intelligence to

assess whether some of the critical language needs in the intelligence community can be met by these Iraqi and Afghan interpreters who have already proven their loyalty through their service to our government. In doing so, my hope is that we could meet this urgent need for translators and interpreters in the intelligence community while providing meaningful employment to individuals who have risked their lives in service of our country.

I thank Chairman REYES and the Committee again for their support of my amendment, which is included in the Manager's amendment, and urge my colleagues to support it as well.

TRIBUTE TO CARLO J. DiMARCO

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and congratulate Carlo J. DiMarco for his appointment as the 112th president of the American Osteopathic Association, the national organization that represents over 61,000 osteopathic physicians.

Dr. DiMarco has established himself as a distinguished leader within osteopathic community. A graduate of LaSalle College and the Philadelphia College of Osteopathic Medicine (PCOM), DiMarco spent more than 30 years working in Delaware County in Philadelphia, where he worked to strengthen and expand the ophthalmology residency program at PCOM. He has served as a board of trustees member and past president of several prestigious osteopathic organizations including the Pennsylvania Osteopathic Medical Association, the American Osteopathic Association, as well as the American Osteopathic Colleges of Ophthalmology and Otolaryngology.

In 2005, DiMarco was recruited to LECOM, located in my hometown of Erie, Pennsylvania. As the Professor and Regional Dean of Clinical Medicine, DiMarco is further developing the instructional and training programs at LECOM. By building relationships with students, residents and physician colleagues, DiMarco continues to contribute to his profession. He also serves as the director of the Ophthalmology Residency Program at Millcreek Hospital in my hometown of Erie, Pennsylvania.

Dr. DiMarco has truly been a community leader in the ophthalmology field. An outstanding physician, he continues the osteopathic tradition of assuring exemplary ophthalmology.

I hope my colleagues will join me in congratulating Dr. Carlo DiMarco and wishing him the best for a successful and rewarding tenure as the 112th president of the American Osteopathic Association.

DRILL RESPONSIBLY IN LEASED LANDS ACT OF 2008

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2008

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H.R. 6515, the Drill Responsibly in Leased Lands (DRILL) Act. I would like to thank the Speaker and the Democratic Leadership for taking action on the urgent and vitally important issue of high fuel prices and energy security.

In the face of high gasoline and fuel prices that are creating economic hardship for Americans, it is important that we maximize use of the resources that we have at our disposal today. The DRILL Act does this by requiring oil companies to drill in the 68 million acres of federal lands already leased but sitting idle. Such a measure is an important first step in our country's energy policy.

We have heard many calls from President Bush and our Republican colleagues for opening up new lands for drilling, both in the Outer Continental Shelf (OCS) and the Arctic National Wildlife Refuge (ANWR). Though these may seem like quick-fixes to our energy problems, they are misleading and do not address the problem of high prices and dependence on fossil fuels in the short or long-term. Neither OCS nor ANWR would produce oil for at least the next ten years. Congressional expert projections indicate no significant impact on oil and natural gas prices before 2030. Even then, there is no guarantee that increased production would affect prices at all. Oil prices are determined on an international market, and OPEC could neutralize the effect on oil prices by offsetting any additional supply U.S. oil production brings to the market.

The reality is that while we must look for ways to increase our domestic oil production in the shorter-term—as the DRILL Act does,—we cannot drill ourselves out of our energy problems in the long-term. The United States consumes 25 percent of the world's oil but only holds 3 percent of the world's known oil reserves. To ensure our country's security, prosperity, and environmental sustainability we must shift to cleaner sources of energy and increase efficiency in our energy use. Moving to clean, renewable energy sources will enhance our energy independence, bolster our economy through the creation of green jobs, and promote environmental sustainability. Biofuels, wind and solar energy are promising alternatives to oil and coal, and it is vital to invest in research and production incentives for these technologies. At the same time we must increase energy efficiency in our buildings and transportation sector.

Most importantly, Americans must think critically and proactively about lifestyle changes that simultaneously preserve the prosperity of our country and promote responsible stewardship of our planet.

Mr. Speaker, America's energy problem is a daunting one, but it is one we can solve if we work together to enact responsible policies for the short and long-term. I urge my colleagues to support the DRILL Act, as it is an important first step in the right direction. In the long-term, we must enact smart, forward looking policies that move us toward cleaner, sustainable energy and ensure prosperity and a healthy planet for future generations.

TRIBUTE TO GLADYS MARTENS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Gladys Martens on the occasion of her 100th birthday on July 15, 2008.

Gladys was born on July 15, 1908 in Adair County, Iowa, as Gladys Petrie. She is a graduate of Drake University and was a teacher in Linden, Iowa. In 1939, she married Grant Martens and moved to a farm in rural Madison County, where she lived until 1997. Gladys is a life-long member of Van Meter Trinity Lutheran Church and currently lives at the West Bridge Care Center in Winterset, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Gladys' birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Gladys has lived through eighteen United States Presidents and twenty-four Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

I congratulate Gladys Martens for reaching this milestone of a birthday. I am extremely honored to represent Gladys in the United States Congress, and I wish her happiness and health in her future years.

RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED SERVICES

SPEECH OF

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. CLEAVER. Mr. Speaker, in 1940 the U.S. population was about 131 million, 12.6 million of which was African American, or about 10 percent of the total population.

During World War II, the Army had become the Nation's largest minority employer. Of the 2.5 million African Americans males who registered for the draft more than one million were inducted into the armed forces. African Americans, who constituted approximately 11 per cent of all draftees Along with thousands of black women, these inductees served with distinction in all branches of service and in all Theaters of Operations during World War II.

I have a proud personal connection to one of those who risked their lives in the segregated service. Over 966 Black military aviators were trained at the Tuskegee Airfield. One of these men, I am proud to say, was my uncle, the Reverend LeRoy Cleaver, Jr.

The Tuskegee Airmen carried a heavy burden. Every single mission, every success, every failure was viewed in relation to the color of their skin. They could fly the skies valiantly and return to the tarmac only to have their white peers refuse to return their salutes.

Even the Nazis asked why African American men would fight for a country that treated them so unfairly. Yet the Tuskegee Airmen were eager to fly and die for a Nation that had done little for them.

These men, like over a million others who fought in World War II, fought two wars: One was in Europe, and the other in the hearts and minds of Americans.

As a poignant example, the white commander of the Tuskegee airfield was once asked—with all seriousness—how do African Americans fly? He said, ''Oh, they fly just like everybody else flies—stick and rudder.'' Little by little, every victory at war was translated to a victory here in the United States.

On February 2, 1948, President Truman, in no small part due to the bravery of the men of Tuskegee, announced in a special message to Congress that he had, ''instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible.''

President Truman's former colleagues and drinking partners, the Senators from the Southern States immediately threatened a filibuster. The typically bull-headed man from Missouri forced the issue by using his executive powers. Among other things, Truman bolstered the civil rights division, appointed the first African American judge to the Federal bench, named several other African Americans to high-ranking administration positions, and most important, 60 years ago on July 26, 1948, he issued an executive order abolishing segregation in the armed forces and ordering full integration of all the services.

Executive Order 9981 declared that ''there shall be equality of treatment and opportunity for all persons in the armed forces without regard to race, color, religion, or national origin.'' By the end of the Korean conflict, almost all the military was integrated.

The men and women I am proud to represent in Missouri's Fifth District have contributed a great deal to this Nation we love. They have fought wars, supplied the expansion the West, founded religions, painted masterpieces, composed symphonies—but perhaps none have done more to shape the face of the earth than President Truman. May history always remember Executive Order 9981 as quintessential Truman. In classic Truman style, the order was an example of making a decision not because it was easy, but because it was the right thing to do.

RECOGNIZING THE ESCAMBIA FEDERATED REPUBLICAN WOMEN'S CLUB UPON ITS 50th ANNIVERSARY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of the Escambia Federated Republican Women's Club upon their 50th anniversary.

For the past 50 years the Escambia Federated Republican Women's Club, EFRWC, has been working to better the government at all levels. Since 1958, these women have donated thousands of volunteer hours to ensure Republican victories in endless political campaigns. The election of countless county, State, and Federal representatives is due to the hard work and dedication of its spirited members.

In addition to their civic dedications, the EFRWC is also a large force in the local community. Favor House, ARC Gateway, and the Ronald McDonald House are just a highlight of the local charities that have benefitted from the outstanding philanthropy of these women. The Lillian Baines Memorial Scholarship for Political Science and Communications students is another program funded by the EFRWC's benevolence. The group also benefits political education locally by mentoring young Republican women, thereby strengthening conservative values and viewpoints in the areas they serve.

The EFRWC persistently serves the community and its volunteers play a vital role in the physiology of elections. They take on numerous responsibilities and assist with the vital aspects of campaign work. The women of EFRWC have exceeded the expected duties of volunteers and their 50th anniversary is evidence of their immense philanthropy. The EFRWC's dedication and devotion to Republican candidates benefits the entire community and their outstanding accomplishments have distinguished them as one of the great organizations in Northwest Florida. Escambia County is greatly indebted to their service and is honored to have them as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Escambia Federated Republican Women's Club on its 50th anniversary.

ESTABLISHING PROGRAM TO MAKE GRANTS REGARDING BACKUP PAPER BALLOTS

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Backup Paper Ballot Bill. This bill will ensure our commitment to improving a secure, reliable, accessible voting system for all Americans, and help secure our nation's confidence in the election result.

Voting is one of the most fundamental rights in our democratic system. The U.S. Constitution promises every eligible American an equal and fair opportunity to participate in the political process. In order to keep our country strong, we must encourage our citizens to vote and when they vote, we must guarantee that their vote will count.

The 2008 election promises to bring out record numbers to the polls. In past elections, such as Florida and Pennsylvania, machine failures caused voters to be turned away and long lines at the polls. Encouraging the use of emergency paper ballots will help ensure that every voter will have their vote count, and make it less likely that voters will be turned away from the polls because of machine malfunction. Although many states require back up paper ballots they don't have the resources to do it.

This bill will provide grants to state and local governments to purchase backup paper ballots in the event that an electronic voting system fails to operate properly or there is some other emergency situation. Participation would be voluntary and states would have to institute eligible programs.

We must take the necessary precautions to ensure that the voices of all Americans are heard in the 2008 election. I urge my colleagues to join me in supporting this bill.

IN SUPPORT OF THE PUBLIC HEALTH EMERGENCY RESPONSE ACT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mrs. CAPPS. Madam Speaker, today I rise to submit for the RECORD a letter from several health organizations supporting the Public Health Emergency Response Act of 2008, which I introduced earlier today.

JULY 22, 2008.

Hon. RICHARD DURBIN,
U.S. Senate,
Washington, DC.
Hon. LOIS CAPPS,
U.S. House of Representatives, Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE CAPPS: The undersigned organizations join in supporting your introduction of the Public Health Emergency Response Act (PHERA), legislation that would put a turnkey process into place which would ensure that victims of a public health emergency have immediate access to medically necessary healthcare services and help ensure that we have a functioning health care system.

A public health emergency, such as a natural disaster, biologic attack or infectious disease outbreak, could strike at any time. The September 11th attacks and Hurricanes Katrina and Rita have underscored the need for rapid access to healthcare services during and immediately following a public health emergency. Following Hurricane Katrina, Congress ultimately approved $2.1 billion for grants to certain states to cover the Medicaid and SCHIP matching requirements for individuals enrolled in these programs, and the cost of uncompensated care for the uninsured. However, it took six months for Congress to pass the Deficit Reduction Act, which provided for these funds. This unnecessary delay could have been prevented. PHERA would put into place ahead of time a framework for providing reimbursement for uncompensated care in the event of a major public health emergency.

The temporary benefit established through this bill would help remove a disincentive for uninsured individuals to promptly seek medical care. Any delay in seeking care could result in lives lost, particularly during an infectious disease outbreak when immediate identification and isolation are very important, and delay in seeking care could render treatment ineffective. At a time when our health care system could be overwhelmed with patients, it is vital that reimbursement issues not dissuade providers from offering care. A study by the Center for Biosecurity estimated that U.S. hospitals could lose as much as $3.9 billion in uncompensated care and cash flow losses in the event of a severe pandemic. By helping to reduce the burden of uncompensated care, PHERA would help ensure the solvency and continuity and our

health care system during a catastrophic emergency.

Specifically, PHERA would provide a temporary emergency health benefit for uninsured individuals and individuals whose health insurance coverage is not actuarially equivalent to benchmark coverage, in the event that the Secretary of Health and Human Services (HHS) declares that a public health emergency exists and chooses to activate the benefit. It would clarify who is eligible for this benefit, including individuals displaced by a public health emergency, limit the amount of time for which the benefit would last, and stipulate what providers would be covered under this Act. It would not use Medicare, Medicaid or SCHIP funding. The funding mechanism would be the Public Health Emergency Fund, a no-year fund available to the Secretary. The bill authorizes funding for the administration of the fund, together with a public education campaign on the availability of the benefit, but further funding would not be necessary until Congress appropriated funds in the event of a declared public health emergency.

Past experiences have shown that Congress will step in to help defray the costs of uncompensated care resulting from a catastrophic emergency. Determining the scope of such coverage ahead of time will help ensure the solvency of our health care system and help eliminate a disincentive for individuals to promptly seek care. PHERA would help ensure that when tragedy strikes, time and lives are not lost as Congress debates a course of action. It would create the turnkey process ahead of time, thereby allowing for timely care to individuals affected by a crisis.

We appreciate your leadership in introducing this legislation and look forward to working with you on this and other public health initiatives in the future.

Sincerely,

American Red Cross.

CENTER FOR BIOSECURITY,

University of Pittsburgh Medical Center.

Center for Infectious Disease Research and Policy.

Council of State and Territorial Epidemiologists.

Infectious Diseases Society of America.

National Association of Community Health Centers.

Society for Healthcare Epidemiology of America.

Trust for America's Health.

TRIBUTE TO DON BETTS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Don Betts as the recipient of the 2008 Educator of the Year from the Iowa Association of Alternative Education and for his outstanding service as a teacher and director at Carrie Lane Alternative School in Charles City, Iowa.

The Educator of the Year award is presented each year to an alternative educator who makes a significant contribution to alternative education in Iowa. Don currently is the only teacher at Carrie Lane. He understands that in alternative education, relationships based on encouragement are necessary, and he continues to build upon those relationships well after graduation. His hard work and motivational skills have helped many students persevere and earn their high school diplomas, and the confidence he instills in his students opens doors to learning opportunities and future success.

I congratulate Don Betts on his well-deserved award, and I'm certain that he will continue to touch the lives of many students in his community. It is a great honor to represent Don in the United States Congress, and I wish him continued success at Carrie Lane Alternative School.

COMMEMORATION OF THE 34TH ANNIVERSARY OF THE INVASION OF CYPRUS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. CARTER. Madam Speaker, 34 years ago, Turkish troops invaded the Island of Cyprus, resulting in the death and displacement of thousands of Greek and Turkish Cypriot citizens; leaving behind a state of conflict within a civilization that can trace its history back more than ten thousand years. A 113-mile long divide was created as the Turks began their occupation of one third of the island, which exists to present day.

Today, we recognize this tragic event, but we also look at, with hope, the future that lies ahead.

As part of a congressional delegation last November, other members of Congress and I discussed this long-standing conflict and the path toward resolution with members of the Cyprus government. I am encouraged by the recent overtures made by leaders on both sides of the Cyprus question.

I am hopeful that the meetings between President Christofias and Mr. Talat will continue, and that the work of the mutually established Working Groups and Technical Communities may ultimately lead to a unified Cypriot nation.

I am confident that through tolerance, compromise and the continuation of diplomatic efforts, lasting solutions to the remaining differences will be attained.

HONORING THE ACHIEVEMENTS OF CAPTAIN SCOTT J. FERGUSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the significant achievements of Captain Scott J. Ferguson whose service with the U.S. Coast Guard Sector Buffalo were concluded today during a change of command ceremony on 1 Fuhrmann Blvd.

As the Commander of the United States Coast Guard Sector Buffalo, Captain Scott J. Ferguson was responsible for a 570 mile coastline stretching from Massena, NY, to Vermillion, OH, including three of the five finger lakes, St. Lawrence River, Niagara River, Lake Erie, Lake Ontario and the Erie Barge Canal. Captain Ferguson has been awarded three Meritorious Service Medals, three Coast Guard Commendation Medals, a Navy Achievement Medal, and the Transportation 9–11 Medal, along with many others.

Captain Ferguson has done a great deal for Sector Buffalo during his time as Commander. He always made it his mission to ensure the complete safety of those in his area of responsibility. He ensured that all personnel working in Sector Buffalo were properly trained and equipped to handle any emergency situation. Captain Ferguson continually worked on fulfilling his firm belief that Sector Buffalo was the ''gatekeeper'' of the Great Lakes.

Captain Ferguson truly worked on promoting safe boating practices. In doing so, Captain Ferguson hosted a Safe Boating Week in Sector Buffalo to educate citizens on safe water and boating practices. In addition, he created the Annual Eastern Great Lakes Water Safety Expo, which included safety demonstrations, free recreation vessel inspections and tours of the Sector Buffalo Coast Guard base and the Buffalo Lighthouse.

Captain Ferguson will be leaving to serve as the chief of prevention at the Seventh Coast Guard District in Miami. Madam Speaker, I ask you to join me in thanking Captain Scott Ferguson for all that he has done for Western New York and Sector Buffalo and wish him every success in his future.

RECOGNIZING THE 34TH COMMEMORATION OF THE TURKISH INVASION OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ANDREWS. Madam Speaker, I rise today to recognize the people of Cyprus who have experienced an illegal occupation that has divided their nation for the last 34 years. On July 20, 1974, an unlawful Turkish invasion created a division between the northern and southern parts of the island. This division still exists today despite the best efforts of the United Nations to broker a solution. However, I am encouraged by recent events that the reunification of Cyprus is now a real possibility.

The Turkish invasion of Cyprus in 1974 was followed by widespread condemnation in the international community. The invasion and occupation drove nearly 200,000 Greek Cypriots from their homes. Sadly, about 5,000 Cypriots were killed in the attack and 1,400 Greek Cypriots remain missing and unaccounted for. Nearly a decade after the attack, Turkey advanced a ''unilateral declaration of independence'' in the northern area of the island occupied by the Turkish military. In response, the United Nations Security Council passed Resolution 541, which denounced the claim of an independent state and called for the withdrawal of the declaration.

I am greatly encouraged by the progress currently being accomplished in Cyprus. At his inauguration this February, incoming Cypriot President Demetris Christofias announced that solving the Cyprus problem is going to be the first priority of his government. In response, the leader of the Turkish Cypriot community, Mehmet Ali Talat, said that a solution in Cyprus is possible by the end of 2008.

The current state of affairs in Cyprus presents an opportunity for the United States to show leadership by working together with the

UN and Cyprus to facilitate a peace process. It will take the cooperation of the international community to bring the stalemate to an acceptable conclusion.

I applaud the leadership of President Christofias and his determination to reunify the country of Cyprus. The people of Cyprus have waited a long 34 years for peace and justice. They deserve the help of the United States and the international community in their endeavor.

TRIBUTE TO ROBERT BLOSSER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to pay tribute to Robert Blosser of Jefferson City, MO, who was recently inducted into the Missouri Newspaper Hall of Fame.

In 1932, Mr. Blosser began his lifelong career with the Jefferson City News Tribune at the age of 18. For a 30 month stretch, Mr. Blosser left for WWII as a combat photographer. Upon his homecoming in 1945, he faithfully returned to the News Tribune. With time, Mr. Blosser became the company's president and also served as president of a local television station owned by the News Tribune. Mr. Blosser's leadership was recognized by the Missouri Press Association when he was elected president of the association in 1976. After numerous years with the News Tribune, Mr. Blosser retired in 1984. He continued to serve on the News Tribune's board of directors until earlier this year when the company was sold.

In addition to these accomplishments, Mr. Blosser served on the board of Chamber of Commerce and Salvation Army in Jefferson City. He has delivered Meals on Wheels for more than 20 years. Mr. Blosser also is an active Lion's Club member and served on the board of the United Way. Still today, at the age of 93, Mr. Blosser mentors at East Grade School in Jefferson City and serves on the board of the Senior Nutrition Center where he frequently volunteers. On top of these achievements, Mr. Blosser and his wife, Marge, have three children.

Madam Speaker, Robert Blosser has distinguished himself as a valuable leader of his community and as a role model for young Americans. I know that members of the House will join me in wishing Robert Blosser all the best.

SUDDEN CARDIAC ARREST AWARENESS MONTH

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. PICKERING. Madam Speaker, today I introduce a resolution to designate October as Sudden Cardiac Arrest Awareness Month.

By selecting this month as Sudden Cardiac Arrest Awareness Month, we can promote awareness of this tragic disease, and support the goals of a "National Sudden Cardiac Arrest Awareness Month."

The Heart Rhythm Society states that Sudden Cardiac Arrest takes the lives of more than 250,000 people in the United States each year and has approximately a 95 percent mortality rate according to the National Heart, Lung, and Blood Institute. In order to survive the attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack.

Sean Patrick O'Hara, a 21-year-old University of Mississippi student, died of Sudden Cardiac Arrest while studying for final exams. Sean's mother, Dawn Cartwright, has started the only Sudden Cardiac Arrest Chapter in Mississippi to spread awareness, educate the public, and to help provide Automated External Defibrillators in all public venues. Through tireless dedication, Ms. Cartwright is working to raise public awareness about the devastating effects of Sudden Cardiac Arrest.

Education and public awareness about sudden cardiac arrest, the warning signs and the need to seek medical attention are critical to preventing Sudden Cardiac Arrest deaths.

I hope that my colleagues will join Ms. CAPPS and myself to help save lives and inform the public about this critical disease by naming October National Sudden Cardiac Arrest Awareness Month.

FIGHTING AGAINST FAULTY MEDICAL DEVICES

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. WEINER. I rise today in support of the recently introduced Medical Device Safety Act of 2008. This much-needed legislation would restore an injured consumer's ability to hold negligent medical device manufacturers accountable for product-related deaths and injuries.

The Medical Device Safety Act addresses the problems created by the Supreme Court's February 20, 2008, decision in Riegel v. Medtronic. This decision stripped away essential consumer rights by supplying device manufacturers with total immunity from liability.

It's difficult to see the reasoning behind this special treatment for device manufacturers when you consider what happened to Bridget Robb. In May 2005, Ms. Robb was diagnosed with nonischemic, viral cardiomyopathy and congestive heart failure. To prevent her from dying from a fatal arrhythmia, she had a Medtronic cardiac defibrillator and pacemaker implanted in her chest. On December 31, 2007, a wire in Ms. Robb's defibrillator broke, causing the device to send a strong electric current to her heart. Ms. Robb suffered 31 electric shocks in 13 minutes in front of her 6-year-old daughter. Medtronic knew about this defect, but issued only a voluntary recall. Since this frightening experience, Ms. Robb has undergone two surgeries to replace her defibrillator and goes to doctor's appointments almost weekly for follow-up appointments and testing.

Prior to the Supreme Court's decision in Riegel, the FDA and State courts protected consumers, like Ms. Robb, together. Since Riegel, consumers only have the FDA to protect them; and the FDA has insufficient resources to do so effectively. The Medical Device Safety Act ensures that consumers like Bridget Robb will be able to seek legal recourse for their injuries and reiterates Congressional intent that State laws must work hand in hand with Federal regulations to protect consumers.

For these reasons, I urge support for Congressman PALLONE and Congressman WAXMAN's bill, H.R. 6381. I look forward to working towards passage of this legislation and restoring these, critical, basic consumer protections.

34TH BLACK ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. MCGOVERN. Madam Speaker, I rise today to honor and remember those Cypriots who lost their lives defending the Republic of Cyprus during the 1974 military coup against the democratically elected government of Archbishop Makarios, who was then President of Cyprus.

This military coup paved the way for the Turkish invasion of Cyprus five days later that resulted in the occupation of 37 percent of the Republic's territory. Nearly 200,000 Greek Cypriots were expelled from their homes and an estimated 5,000 were killed. More than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing since the Turkish invasion, their fate still unaccounted for.

The repercussions of this terrible day are still in play today, affecting the lives of every Cypriot, European policy, and the actions of the United Nations and international community. The so-called "Turkish Republic of Northern Cyprus" is recognized as legitimate by no nation other than Turkey. With more than 40,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world.

However, on this day when we pause to remember this violent act against the people of Cyprus, we also have hope that a genuine and long-lasting peace may be restored and families reunited. In 2004, Cyprus' accession to the European Union triggered a process of economic and social integration between Greek-Cypriots and Turkish Cypriots. Since the partial lifting of restrictions along the cease-fire line by the Turkish forces in April 2003, there have been over 13 million incident-free crossings by Greek and Turkish Cypriots. More than 60,000 Turkish Cypriots have received Cypriot passports or other official documents, allowing Turkish Cypriots to travel, work or reside in any European Union country.

More importantly, however, is the commitment of the Cyprus government to achieving a solution to healing the division of Cyprus. Such a solution should be based on a bi-communal, bi-zonal federal State of Cyprus with a single sovereignty and citizenship, with its independence and territorial integrity safeguarded, in line with relevant United Nations resolutions.

Since his election in February 2008, the current president of Cyprus, Demetris Christofias,

has followed through on his promise to make the solution of the Cyprus problem his top priority. The day of his election, he extended his hand in friendship to Turkish Cypriot leader Mehmet Talat, calling for face-to-face meetings. As a result, President Christofias and Mr. Talat will meet for the fourth time on July 25th. Over the past six months, working groups and technical committees have been preparing the ground for direct fully-fledged negotiations, with the aim of reaching a settlement of the Cyprus problem. On July 13th, in Paris, United Nations Secretary General Bank Ki Moon assured President Christofias of the U.N.'s continuing interest to achieve a Cyprus settlement through negotiations by Cypriots for Cypriots.

These are all promising measures, Madam Speaker. So I can only hope that before next year's anniversary, the world will finally see a negotiated resolution that heals the wounds of the 1974 invasion, reunites the Cypriot people once more, and provides a genuine and lasting peace to Cyprus.

TRIBUTE TO MICHAEL S. FINEGAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor and thank Mr. Michael S. Finegan for his service as the Director of Veteran Affairs Western New York Healthcare System. Mr. Finegan has truly made great strides for the veterans in the Western New York area.

Mr. Finegan gained his Bachelor's Degree from Allegheny College, and later earned his Master's Degree in Public Administration from the Sate University of New York Rockefeller College of Public Affairs and Policy. Mr. Finegan has since achieved great things in the Department of Veterans Affairs.

Mr. Finegan has taken on a variety of different roles throughout his tenure with the Department of Veterans Affairs. From 1997 to 2000, Mr. Finegan served as Chief Financial and Operations Officer for VA Healthcare Network Upstate New York, where he was personally responsible for the development, coordination and monitoring of the Network's financial management and operations. For the following three years, Mr. Finegan took the position of Director of the VA Medical Center in Butler, Pennsylvania, as well as lead director for Veterans Integrated Service Network 4.

Since late 2003, Mr. Finegan has successfully served as Director of VA Western New York Healthcare System, during which time he served as Acting Director of the VA Healthcare Network for Upstate New York for a brief period in 2006. At the VA Western New York Healthcare System, Mr. Finegan led a staff of 1,750 employees who have provided the finest health care to more than 40,000 veterans of military service during the past year alone. He has also carried on the highly regarded clinical research and training programs for America's future health care contributors.

Mr. Finegan is currently a member of the American College of Healthcare Executives, the Healthcare Financial Managers Association and the American Society of Public Administration. Mr. Michael S. Finegan is an innovative leader for veterans around the country, especially in the Western New York area. Madam Speaker, I ask you to join me in recognizing the many achievements of Mr. Finegan and wishing him luck in all future endeavors.

SUPPORTING NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. WILSON of South Carolina. Madam Speaker, on Tuesday July 15th, the House of Representatives passed unanimously by voice vote H. Con. Res. 299, a resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month. As a proud cosponsor of this resolution, I am grateful that the House of Representatives took the time to show our support for those who are fighting for better treatment and a cure for cystic fibrosis.

Our ability to help families and the medical community make headway against this disease is vital. With approximately 30,000 Americans living with this disease—a large percentage of which are children—raising funding and awareness for research will bring hope and real results.

In an effort to raise money and awareness for cystic fibrosis research, the Cystic Fibrosis Foundation has held an annual Celebrity Tennis Gala for the past 23 years. Since the beginning of these annual events, the life-expectancy of a child born with cystic fibrosis has more than doubled. This is in no small part due to the money raised at this event and others. Last year alone, the Foundation raised more than $350,000 which is a substantial part of the $2.5 million raised over the years through the gala. I had the privilege of being a part of the 2008 event, where my Chief of Staff Dino Teppara was a key player, and I was encouraged by the dedication of the families I met and the hard-working individuals at the Cystic Fibrosis Foundation.

America has remained a leader in medical research and our scientists continue to lead the way in inching closer to a cure for many diseases. I look forward to working with my colleagues and the American people as we battle together to find a cure for cystic fibrosis and other diseases.

HONORING ALFREDO FLORES SR.

HON. CHARLES A. GONZALES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. GONZALES. Madam Speaker, I rise today to honor Alfredo Flores Senior, a constituent of mine who on August 10th will celebrate his 100th birthday.

Mr. Flores was born in Muzquiz, a city in the Mexican state of Coahuila. Caught in the crossfire of the Mexican Revolution, Flores immigrated to the United States when he was just 15 years old. Then a young man, he found himself in a strange country with an absent father and a mother and sister who relied on him to put food on the table. And while the Great Depression greeted him on his 18th birthday, he built a business that thrived despite the difficult odds that he faced.

Today, Alamo Music Center is San Antonio's largest music store and has served people across South Central Texas for decades. It has not only become an important part of our economy but our community as well.

Notably, Mr. Flores has always lived up to the responsibility that came with his success and stature in the community. He co-founded the Westside State Bank that specialized in delivering financial services to low-income minorities and has played an integral role in various community interest groups across San Antonio.

Mr. Flores life is a true personification of the American dream. He came to this country to realize a better life for him and his family, and through hard work he achieved this noble goal and put himself in a position where he could give back to his community. For these reasons, I'm honored to celebrate his achievements as we approach this milestone in his life, and ask my colleagues to join me in wishing Mr. Flores a Happy 100th Birthday.

FUTURE OF CYPRUS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, many of my colleagues have supported a settlement of the Cyprus issue for decades. They have come to the floor and urged Turkish and Greek Cypriots to overcome the difficulties and reach an agreement regarding the future of the island.

On July 1, 2008, Greek Cypriot leader Demetris Christofias and Turkish Cypriot leader Mehmet Ali Talat met in a positive and cooperative atmosphere. At this meeting, the two leaders reviewed the progress of the Working Groups and Technical Committees, and, momentously, agreed in principle on the issue of a single sovereignty and citizenship. The Cypriot leaders will meet again on July 25 to undertake a final review of preparations for fullfledged negotiations.

This is not the first time there has been cause for hope. After four and a half years of negotiations and numerous failed attempts, a United Nations Comprehensive Settlement Plan was completed on March 31, 2004. The final hurdle was two separate, simultaneous referenda to be held on both sides of the island on April 24, 2004.

Turkish Cypriots approved the plan by 65 percent, while their Greek Cypriot counterparts rejected it by 76 percent.

The ironic outcome was that the Greek Cypriots, having turned down a peaceful settlement, became full member of the European Union, while the Turkish Cypriots were excluded, further isolating the North.

Congress should evenhandedly support these developments, and refrain from taking any actions which would disrupt the process. I congratulate both leaders on this important breakthrough and urge them to continue the process which will provide a bright future for the peoples of Cyprus.

TRIBUTE TO WILLIAM J. FRAWLEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HIGGINS. Madam Speaker, I rise today to acknowledge the loss of one of Buffalo's finest public servants with the passing of William J. Frawley, a 39-year member of the Buffalo Police Department, on the 4th of July.

Inspector Frawley demonstrated his commitment to our country at an early age when he enlisted in the U.S. Army at age 17 where he fought in Italy, France, Germany and Austria while serving with the 36th Infantry Division.

As a veteran of World War II, he returned home to begin another chapter of service to his fellow citizens when he joined the Buffalo Police Department in 1947. Rising through the ranks, Bill Frawley personified professional standards and a strong sense of humanity as he rose through the ranks as a patrolman, lieutenant, captain and inspector. His calm and conscientious manner was especially needed when he oversaw the 911 operations during the Blizzard of 1977 as head of the Division of Administration and Communications.

Known as a ''cop's cop,'' Inspector Frawley will be remembered in the words offered by Chief of Detectives Dennis Richards who called Bill a decent, compassionate leader and a mentor to future generations who lived by his own credo, ''never asked someone to do something that you yourself would not do.''

As his sister, Kathleen, noted in the Buffalo News, he was a humble man of integrity who ''was tireless in his job. He did it because he loved it.'' He also valued education returning to college where he earned a bachelor's degree in political science from the University at Buffalo in the 1970's.

Though he retired in 1986, Inspector Frawley's legacy continued on through his design of the Buffalo Police Reorganization Plan which consolidated the city's 14 precincts into five districts. It was after his retirement that I became most familiar with his vision and management skills as I took up the challenge of implementing the plan during my tenure as a member of the Buffalo Common Council. The first consolidated district would eventually become a reality in my home district in South Buffalo.

And South Buffalo was also Bill's home where young children would knock on the Frawley family door on Pomona Place for words of praise for improved report cards and special treats for special occasions. He was a strong, generous and faithful member of St. Teresa's Parish and in his later years, St. Agatha's Church. His service to others extended to giving of himself as he donated blood to the Roswell Park Cancer Institute Plasmapheresis Center nearly 600 times.

His life story began a new chapter when he married Joan Haltam in 1982 and for the next 22 years, the Inspector became a loving, caring husband and stepfather until her death in 2004. His devotion to his stepchildren, Joseph, Karen and Michael, never wavered.

Madam Speaker, please join me in expressing our deepest sympathy to his beloved sister, Kathleen, and his stepchildren for their loss and our most sincere appreciation for the life of William J. Frawley. We are grateful for his lifelong example, both professionally and personally, of selfless public service, integrity, faith and dedication to family and community.

TRIBUTE TO UNITED WAY OF HUDSON COUNTY

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. SIRES. Madam Speaker, I rise today to highlight the good work of the United Way of Hudson County in the 130th District of New Jersey, which I have the honor of representing in Congress. The United Way of Hudson County has a distinguished history of working with its partners to help the homeless in Hudson County. Hudson County has about 300 chronic homeless and another 2,700 people who are in and out of homelessness, representing nearly 1 percent of the residents in our community.

I would like to highlight just a few of the good things the United Way of Hudson County is doing in my district. They are responsible for providing funding to many social services agencies working with the homeless, including a Bayonne facility for homeless men, a program for the elderly in Jersey City, a training program for 59 shelter residents, housing for Hudson County individuals with HIV/AIDS, meals, transitional housing, a soup kitchen, and educational services for homeless persons. In 2005, the United Way of Hudson County created an Emergency Shelter System for the Homeless that was widely honored by the U.S. Department of Housing and Urban Development, the State of New Jersey, and the State Association of Community Development Directors. In 2006, the United Way of Hudson County was awarded the county's first ''Housing First'' grant for $1.2 million from the U.S. Department of Housing and Urban Development. This grant provided housing and social services for 26 disabled individuals. Their Housing First focus, championed by the United Way of Hudson County and County Executive Tom DeGise, will provide housing, hope, and a better future for the homeless of Hudson County.

Please join me in honoring the United Way of Hudson County as we celebrate their good work at the Second Annual New Jersey Congressional Reception on July 30, 2008.

INTRODUCTION OF THE FDIC FLEXIBILITY ACT OF 2008

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. DREIER. Madam Speaker, all of us are watching the news, concerned about the economy and our financial markets. The regulators of our financial services companies, the Federal Reserve, the SEC, and the banking regulators are all using the tools they have at their disposal to make sure small investors and depositors are as safe as possible in this environment.

Among the most important duties that fall to our banking regulators is the protection of deposits. Average families and small business owners alike all depend on the Federal safety net to ensure that their savings are safe. Sometimes, ensuring the safety of those deposits requires regulators to step in when a bank or thrift becomes insolvent. For instance, in my own district, I have nearly 10,000 IndyMac depositors. The FDIC acted quickly to resolve this institution and is running it until that bank can either be returned to business as a safe institution, or its assets, including the deposits, can be transferred to a stronger financial institution that can meet the demands of its depositors.

While Congress has taken steps over the past several years to ensure that the deposit insurance system is strong—and it is—the IndyMac situation demonstrates that every bank failure is different. Therefore, the regulators need as much flexibility as possible to ensure that they can respond to whatever the market throws at them.

That is why today I am introducing the ''FDIC Flexibility Act of 2008.'' After talking with the widely respected Bill Seidman, the chairman of the FDIC during much of the response to the savings and loan crisis, I believe that some well-intentioned provisions of the law may actually make the FDIC's job of resolving troubled institutions harder, not easier.

The bill will repeal the ''low cost solution'' provisions which require the FDIC to always choose the solution with the lowest cost to the banking fund when resolving an institution. The problem is that what might be a low cost solution for a particular institution might not always be the best or fastest way to ensure that depositors have access to their funds. If depositors can't get access to their money, this can cause a crisis of confidence in the entire banking system, and put other institutions in jeopardy people start runs on banks.

Sometimes, the best way to resolve an institution may not be the absolute cheapest—such as selling the failed institution to a stronger bank at a discount—but it will increase confidence and stability in the banking system as a whole, and reduce exposure over the long-term.

I don't believe that this is the silver bullet to resolve every crisis we're facing, nor is it the only answer to the problems of resolving failed banks. But I think we need to have the discussion about what kinds of tools our regulators need, and with an advocate as widely respected as Chairman Seidman, this is a good place to start.

HONORING THE LIFE AND LEGACY OF PAUL J. KOESSLER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the life and legacy of Paul J. Koessler, a tireless civic leader, generous philanthropist, and devout Western New Yorker. Paul's service and commitment to Buffalo has left a long enduring impact on our community, and he will be sorely missed.

A Harvard Business School graduate and successful businessman, Paul never forgot his roots and always remembered the importance of giving back to the community he called

home. In 1980, Paul joined his brother, John W. ''Jack'' Jr., CEO of Greater Buffalo Press, to serve as company president and COO of the largest printer of Sunday comics in the world and a leader in advertising insert printing. Greater Buffalo Press has seven plants in the United States as well as one in Canada, and, at one point, had 2,100 employees. In 1989 Paul moved to Nashville to serve as vice chairman of Sullivan Graphics, only to return to Buffalo in the 1990's. With Paul's increasing success in business, he gave back to his community. In 2006, his philanthropic foundation gave 40 grants worth close to $300,000 to Western New York charities, churches, and schools, and he led a $20 million dollar fundraising campaign for Canisius High School, where he graduated from in 1955.

Paul also served on the boards of the Buffalo & Erie County Historical Society, Buffalo Venture, Buffalo Niagara Partnership, Contract Staffing, Dunn Tire Corp, Hauptman-Woodward Medical Research Institute, Roswell Park Alliance Foundation, Sisters Hospital Foundation, WNED, and Canisius High School. Paul was also chairman of the board of trustees at Canisius College and received the school's Board of Regents Distinguished Citizen Achievement Award for his significant contributions to the Western New York community.

Paul's role as chairman of the Peace Bridge Authority was a recent testament to his great leadership in Buffalo. Three governors, both Republican and Democratic, have named Paul to the Peace Bridge Authority over the years. Paul's respectful manner, integrity, genuine character, and tenacious spirit made him a great champion for progress in Buffalo. Paul Koessler was widely respected because he was always respectful—to anyone and everyone he came in contact with. Paul was a strong and effective advocate for groundbreaking projects important to Western New York and will be especially missed as a leader and a partner in the effort to construct a new Peace Bridge.

Madam Speaker, Paul Koessler was a dedicated leader and beloved man who cherished his community. His legacy in Western New York is invaluable and enduring. My thoughts and prayers are with his wife, Niscah, and children, Susan, Joanne, Lana, Gretchen, Joe, Eric, Kimberly, Robert, Theodore, and Brian. I thank you for joining me in expressing to the Koessler family the deepest condolences of the House for their loss.

IN RECOGNITION OF KIMBERLY ALLEN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ROTHMAN. Madam Speaker, I rise to recognize the outstanding contributions and dedication of my communications director, Kimberly Allen, as she leaves to relocate to Richmond, Virginia with her husband, Tom Emswiler. Kimberly has been on my staff for more than 2½ years, and during that time she has demonstrated extraordinary talent, grace under pressure, and the highest ethical and professional standards as my public spokesperson. She has also done a superb job handling the inquiries my office has received from national, State, and local media outlets. Kimberly has a true gift with words, is steadfastly loyal, and embodies the very spirit of teamwork.

Kimberly grew up in Annandale, Virginia and attended Annandale High School. She later attended Boston University's College of Communication and graduated with a bachelor of science in Communication in 2002. Before joining my office, Kimberly worked at the American Association of Colleges of Nursing as their communications assistant and webmaster. She later served as the communications and production manager for the Association of Trial Lawyers of America. Her previous experience served her well and helped make her a very effective communications director.

In addition to serving long hours as the brilliant spokesperson for my office, Kimberly is extremely involved in community activities and volunteers to help those who are less fortunate. Since 2002, she has annually prepared tax forms at weekend clinics for those who are not able to afford private assistance with their income taxes. She has also volunteered at ''We Are Family,'' which provides groceries to families in need, since 2007.

Madam Speaker, over the past 2½ years, my office has come to know Kimberly Allen well and we will remember her as a conscientious and dedicated colleague, a gifted writer with a great sense of humor, and a loyal friend to her fellow coworkers. She has been a passionate advocate for protecting the freedom of the press, immigration reform, and human rights. Throughout her tenure with my office, Kimberly has provided me with good counsel and effective communication to the people of New Jersey. She has my deep respect and appreciation for all of the contributions she has made to my office and the work she has done. I wish Kimberly the very best and know that she has a bright future ahead of her.

COMMEMORATING THE TURKISH INVASION OF CYPRUS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mrs. LOWEY. Madam Speaker, today, we sadly commemorate the 34th anniversary of the Turkish occupation of Cyprus. Over a third of a century ago, more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. The legacy of this occupation still weighs heavily on the northern third of the island, which remains occupied by Turkish troops. In fact, the Turkish-Cypriot Administered North Cyprus has the dubious distinction of being one of the most militarized areas in the world, with nearly one Turkish soldier for every two Turkish Cypriot.

A devastating consequence of the Turkish invasion of Cyprus is the tragic humanitarian problem of missing persons. Today, there are more than 1,400 Greek Cypriots still missing as well as four missing Americans. A series of UN Security Council and General Assembly resolutions condemn Turkey's invasion and call for the tracing of missing persons. As we mark the 34th year of Turkey's invasion of Cyprus, I encourage all governments involved to adhere to humanitarian principles and international practices regarding the effective investigation of the whereabouts of missing persons.

While we commemorate the past and our hearts go out to those suffering continuing hardship due to missing loved ones. Positive steps underway could lead to a brighter future for all Cypriots. We are encouraged that, for the first time in five years, both sides are engaging in constructive dialogue. Since March, leaders from the South and North have taken positive steps towards reunification and have met three times. I urge both sides to continue this positive discourse including at a meeting this Friday. I sincerely hope a solution to the Cyprus issue will soon be reached to reuniting the island under a government that safeguards human rights, completes the investigation into the whereabouts of missing persons, and respects the fundamental freedoms of the people as a whole.

TRIBUTE TO ROGER TORY PETERSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the legacy of Roger Tory Peterson (1908–1996) and the centennial celebration that will be held at the Roger Tory Peterson Institute in Jamestown, NY from August 2008—August 2009.

Roger Tory Peterson was America's most prominent ornithologist and bird artist in the 20th century. Many people have regarded him as being a modern day John James Audubon who introduced millions of people to the joys of bird watching.

Not only was Peterson a world renowned ornithologist, but also photographer, film maker, writer and lecturer as well. Additionally to his credit, his Field Guide to the Birds has sold five million copies in five editions since 1934, and was selected by the New York Public Library as one of the 100 most important books of the 20th century. This book was so successful that it led to an entire series of Peterson Field Guides to be developed. Peterson released 50 titles covering practically every aspect of the natural world. This launched a career that made him the most prominent and honored naturalist of our time.

For 60 years Peterson wrote and spoke about, illustrated, filmed and photographed the natural world. His articles, photographs and illustrations appeared not only in widely known magazines such as Life and National Geographic but also in a variety of other popular magazines. This allowed the public to become aware and appreciate nature through his work.

Peterson worked tirelessly in defense of the natural world. He was very outspoken and as a result he helped see through the passage of crucial environmental legislation such as the National Environmental Policy Act and the ban on DDT. He was awarded the Presidential Medal of Freedom in 1980 and was twice nominated for the Nobel Peace Prize, received 23 Honorary Doctorates and scores of other honors including the John Burroughs Award for Nature Writing, the Conservation Medal of the National Audubon Society, Conservation

Achievement Award of the National Wildlife Federation, the Smithsonian Institution's James Smithson Medal, World Wildlife Fund Gold Medal, Linnaeus Gold Medal from the Swedish Academy of Sciences, and was inducted into the United States Conservation Hall of Fame, all for his work on behalf of the natural world.

Founded in 1985, the Roger Tory Peterson Institute of Natural History, located in Peterson's hometown of Jamestown, NY is an educational institution charged with preserving Peterson's lifetime body of work and making it available to the world for educational purposes. Housed in its archives are thousands of items ranging from paintings, original graphic art renderings, photographs, films, manuscripts and correspondence that tell the story of Peterson's career.

The Roger Tory Peterson Institute plays host to visitors from around the world that come to view these treasures. Yet, because Peterson educated, entertained and enriched the lives of people everywhere, these deserve greater and more widespread exposure through exhibition at museums and the other cultural venues nationwide.

Madam Speaker, I ask you to join me in recognizing the enduring Peterson who continues to enable millions of people to come to know and appreciate the value of nature and recognize the wellbeing of people and the natural world are one and the same. This deep, profound legacy deserves to be celebrated on the 100th anniversary of his birth, and is the reason why it is appropriate and necessary to celebrate Peterson's lifework and legacy.

THE DAILY 45: YOUNG ALONZO ROBERTSON DIES ON VACATION IN D.C.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. Chicago is but one of several American cities that are struggling through an escalating wave of gun-related violence this summer.

Last weekend, in a scene reminiscent of a military checkpoint in Iraq, police had to cordon off the streets of the Trinidad section of Washington, D.C. This was in response to a series of shootings and stabbings that left at least 11 people wounded and two people dead. Among the gunshot victims was 13-year-old Alonzo Robertson, a young boy who was vacationing with family and friends when he was murdered.

As police continue to investigate Alonzo's senseless death, I not only grieve this child's loss but I mourn the violation of a sense of community of the people who live in the Trinidad neighborhood. Just last month, area residents had to wade through a police checkpoint that, for a brief time, stopped the violence.

Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will we say 'enough is enough, stop the killing!'

TRIBUTE TO TOMMIE ANN GIBNEY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize the accomplishments of a fine outstanding citizen, Tommie Ann Gibney.

Ms. Gibney is a shining example of a woman who tries hard and succeeds brilliantly. She does it all. She is a professional, a distinguished attorney, friend of many, wife, mother, and last month Ms. Gibney was able to add the title of President. She is one of only three women to ever hold the prestigious position as President of the Association of Trial Lawyers of America/New Jersey, an organization of over 2100 attorneys, paralegals, law clerks and law school graduates who protect New Jersey families by advocating for safer products and workplaces, a cleaner environment, and quality health care.

Ms. Gibney attended Seton Hall University for her undergraduate, graduate and law school degrees. As an associate at Andres and Berger in Haddonfield, New Jersey Ms. Gibney fights tirelessly for victims of nursing home abuse and neglect. She volunteers her services and vast legal knowledge to Trial Lawyers Care, 9/11 Legal Assistance and to the Hyacinth Aids Foundation. She is a role model for all law professionals both in and outside of the courtroom.

My congratulations to Tommie Ann Gibney and her family.

RECOGNIZING THE 34TH ANNIVERSARY OF TURKEY'S ILLEGAL INVASION OF CYPRUS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. PALLONE. Madam Speaker, tonight I join my colleagues on the House floor to commemorate the 34th anniversary of Turkey's illegal occupation of Cyprus.

On July 20th 1974, Turkey began its brutal invasion of Cyprus, which forced nearly 200,000 Greek Cypriots to flee their homes—making one-third of the Cypriot population refugees in their own country.

Today, Turkey occupies the northern third of the island. It is one of the most militarized areas in the world, with more than 43,000 Turkish soldiers trying to maintain the status quo of the illegal occupation. Forty-three thousand soldiers may not sound like a lot, but consider that there is almost one Turkish soldier for every two Turkish Cypriots.

When Cypriots were forced to flee their homes 34 years ago, a large number of their properties were unlawfully distributed to tens of thousands of illegal settlers from Turkey. Today, 34 years later, Greek Cypriots, who continue to own these properties, are prevented by Turkey from returning and enjoying their homes and properties. Included amongst this number are approximately 5,000 Cypriot-Americans who own property in the occupied area but who have no legal recourse.

This is an outrage. Since Cypriot-Americans cannot return to their illegally-seized property, I believe they should be allowed to seek financial remedies with either the current inhabitants of their land or the Turkish government itself.

Last year, I introduced the bipartisan American Owned Property in Occupied Cyprus Claims Act. Through this legislation, Americans who are being denied access to their property and even their ancestral homes will finally be able to seek restitution.

Specifically, it authorizes the president to initiate a claims program under which the claims of U.S. nationals who Turkey has excluded from their property can be judged before the Foreign Claims Settlement Commission. If this commission determined that Cypriot-Americans should be compensated for their property, negotiations would then take place between the U.S. and Turkey to determine the proper compensation.

My legislation would also empower U.S. district court to hear causes of action against either the individuals who now occupy those properties or the Turkish government.

The U.S. Government must not idly stand by and refuse 5,000 of its citizens any legal recourse to address the grave injustices committed by the Turkish government. For 34 years, these Americans have been separated from their homes and their businesses. It is time Congress vindicate the property rights of U.S. citizens in Cyprus.

While we commemorate the 34th anniversary of this illegal occupation, it is also important to recognize the progress that is being made on the island and some encouraging signs that we all hope lead to a united Cyprus one day soon.

Working Groups and Technical Committees have been set up by Cypriot President Christofias and Turkish Cypriot leader Talat to build the framework for possible substantive negotiations between the two leaders down the line.

The two leaders have also met—once in May and then again at the beginning of this month—to discuss the progress that the Groups and Committees are making. They will also meet this Friday to conduct a final review of the work that has been completed to date.

Another hopeful sign is the integration that continues to take place between Greek-Cypriots and Turkish-Cypriots as a result of the nearly 13 million crossings along the cease fire line that have occurred over the last five years. Over the last three years, Turkish Cypriot incomes have more than doubled, and more than 60,000 Turkish Cypriots have received Cypriot passports, which will allow them to travel freely in any E-U country.

Madam Speaker, as we commemorate the 34th Anniversary of Turkey's illegal invasion and occupation of Cyprus, we are hopeful that these recent developments will finally produce something all Cypriots have waited 34 years to see—a united Cyprus.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6981–S7088

Measures Introduced: Twelve bills and four resolutions were introduced, as follows: S. 3297–3308, S. Res. 617–619, and S. Con. Res. 94. **Page S7030**

Measures Reported:

S. 3301, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009. (S. Rept. No. 110–428)

S. 2657, to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, with an amendment in the nature of a substitute. (S. Rept. No. 110–429) **Page S7029**

Measures Passed:

Clean Boating Act: Senate passed S. 2766, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel. **Pages S6981–83**

Administrator of the Environmental Protection Agency: Senate passed S. 3298, to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels. **Pages S6581–83**

Recognizing the 60th Anniversary of the Integration of the Armed Forces: Senate agreed to S. Con. Res. 94, recognizing the 60th anniversary of the integration of the United States Armed Forces. **Pages S7078–79**

United States Patent and Trademark Office: Committee on the Judiciary was discharged from further consideration of S. 3295, to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and the bill was then passed. **Page S7079**

Measures Considered:

Stop Excessive Energy Speculation Act: Senate continued consideration of the motion to proceed to consideration of S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities. **Pages S6985–97, S6997–S7025**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 94 yeas (Vote No. 183), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6993**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10 a.m., on Wednesday, July 23, 2008, and that the time during the adjournment count post-cloture; provided further, that the time until 11 a.m. be equally divided with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half of the time and the Majority controlling the final half; and that the time from 11 a.m. until 4 p.m. be equally divided and controlled by the two Leaders, or their designees, in 30 minute alternating blocks of time, with the Republicans controlling the first 30 minutes and the Majority controlling the next 30 minutes. **Page S7087**

House Messages:

Block Burmese JADE Act: Senate concurred in the amendments of the House of Representatives to the amendments of the Senate to H.R. 3890, to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, clearing the measure for the President. **Pages S7079–84**

Message from the President: Senate received the following message from the President of the United States:

Transmitting certification that the export of certain materials and equipment for production of nutritional supplements is not detrimental to the U.S. space launch industry and will not measurably improve missile or space launch capabilities of the People's Republic of China; which was referred to the Committee on Foreign Relations. (PM–58)

Page S7029

Nominations Confirmed: Senate confirmed the following nominations:

Glenn T. Suddaby, of New York, to be United States District Judge for the Northern District of New York. Pages S7084–87, S7088

Cathy Seibel, of New York, to be United States District Judge for the Southern District of New York. Pages S7084–87, S7088

Nominations Received: Senate received the following nominations:

25 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Navy.

Pages S7029–30, S7087–88

Measures Read the First Time: Page S7029

Enrolled Bills Presented: Page S7029

Executive Reports of Committees: Page S7029

Additional Cosponsors: Pages S7030–32

Statements on Introduced Bills/Resolutions: Pages S7032–78

Additional Statements: Pages S7027–28

Notices of Hearings/Meetings: Page S7078

Authorities for Committees to Meet: Page S7078

Privileges of the Floor: Page S7078

Record Votes: One record vote was taken today. (Total—183) Page S6993

Adjournment: Senate convened at 10 a.m. and adjourned at 7:31 p.m., until 10 a.m. on Wednesday, July 23, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7087.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Michael Bruce Donley, of Virginia, to be Secretary, General Norton A. Schwartz, for reappointment to the grade of general and to be Chief of Staff, who was introduced by Senator Stevens, and General Duncan J. McNabb, for reappointment to the grade of general and to be Commander, United States Transportation Command, who was introduced by Senator Conrad, all of the United States Air Force, Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 1,981 nominations in the Army, Navy, Air Force, and Marine Corps.

GLOBAL WARMING

Committee on Environment and Public Works: Committee concluded a hearing to examine global warming, focusing on an update on the science of climate change and its implications, after receiving testimony from Roy W. Spencer, University of Alabama in Huntsville; Kevin E. Trenberth, National Center for Atmospheric Research, Boulder, Colorado; and Jason Burnett, Washington, D.C.

INDIAN GOVERNMENTS AND TAX CODE

Committee on Finance: Committee concluded a hearing to examine Indian governments and the tax code, focusing on maximizing tax incentives for economic development, after receiving testimony from Dante Desiderio, National Congress of American Indians, Washington, D.C.; Donald Laverdure, Crow Nation Executive Branch, Crow Agency, Montana; and Wayne Shammel, Cow Creek Band of Umpqua Tribe of Indians, Roseburg, Oregon.

ENERGY SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine ways for the United States to gain energy security, focusing on the importation and exportation of oil, development of new energy resources, and ways for the United States to be less dependent on foreign oil, including S. 3303, to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each manufacturer operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel, after receiving testimony from T. Boone Pickens, BP Capital Management, Dallas, Texas; Gal Luft, Institute for the Analysis of Global Security (IAGS), and Geoffrey Anderson, Smart Growth America, both of Washington, D.C.; and Joseph Dagher, University of Maine, Orono.

PAY-FOR-PERFORMANCE SYSTEMS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine improving worker performance relating to a review

of pay-for-performance systems in the federal government, after receiving testimony from Linda M. Springer, Director, Office of Personnel Management; Richard A. Spires, Deputy Commissioner, Operations Support, Internal Revenue Service, Department of the Treasury; Gale Rossides, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; Ronald P. Sanders, Associate Director, Human Capital, Office of the Director of National Intelligence; Bradley Bunn, Program Executive Officer, National Security Personnel System, Department of Defense; J. Christopher Mihm, Managing Director, Strategic Issues, Government Accountability Office; Carol A. Bonosaro, Senior Executives Association, John Gage, American Federation of Government Employees (AFL–CIO), Colleen M. Kelley, National Treasury Employees Union, and Jonathan D. Breul, IBM Center for The Business of Government, all of Washington, D.C.; and Charles H. Fay, Rutgers University School of Management and Labor Relations, Piscataway, New Jersey.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 6559–6573; and 6 resolutions, H. Con. Res. 393–394; and H. Res. 1360–1361, 1364–1365 were introduced. **Pages H6824–25**

Additional Cosponsors: **Pages H6825–26**

Reports Filed: Reports were filed today as follows:

H.R. 5531, to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, with amendments (H. Rept. 110–764);

H.R. 5949, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel (H. Rept. 110–765);

H. Res. 1362, providing for the consideration of the Senate amendment to the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (H. Rept. 110–766);

H. Res. 1363, providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform and for other purposes (H. Rept. 110–767). **Pages H6815, H6823–24**

Speaker: Read a letter from the Speaker wherein she appointed Representative McCollum to act as Speaker Pro Tempore for today. **Page H6735**

Recess: The House recessed at 12:38 p.m. and reconvened at 2 p.m. **Page H6736**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Law Enforcement Congressional Badge of Bravery Act of 2008: S. 2565, to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and Local law enforcement officers—clearing the measure for the President; **Pages H6736–40**

Vessel Hull Design Protection Amendments of 2008: H.R. 6531, to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; **Pages H6740–41**

Congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor: H. Res. 1241, amended, to congratulate Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor; **Pages H6742–44**

Agreed to amend the title so as to read: ''Congratulating Ensign DeCarol Davis upon her serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American to earn this honor, and encouraging the Coast Guard Academy to seek and enroll diverse candidates in the cadet corps.''. **Page H6744**

Aviation Safety Enhancement Act of 2008: H.R. 6493, amended, to amend title 49, United States Code, to enhance aviation safety, by a 2/3 yea-and-nay vote of 392 yeas with none voting ''nay'', Roll No. 512; **Pages H6744–49, H6793**

Clean Boating Act of 2008: S. 2766, to amend the Federal Water Pollution Control Act to address

certain discharges incidental to the normal operation of a recreational vessel clearing the measure for the President; **Pages H6749–52**

Clarifying the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and requiring the Administrator to conduct a study of discharges incidental to the normal operation of vessels: S. 3298, to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels—clearing the measure for the President; **Pages H6752–56**

Passenger Rail Investment and Improvement Act of 2008: S. 294, amended, to reauthorize Amtrak; **Pages H6756–73**

Recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet "fit to fight": H. Res. 1139, to recognize the 100th anniversary of the Pearl Harbor Naval Shipyard and to congratulate the men and women who provide exceptional service to our military and keep our Pacific Fleet "fit to fight"; **Pages H6773–75**

Money Service Business Act of 2008: H.R. 4049, amended, to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business; **Pages H6775–77**

Recognizing the Significance of National Caribbean-American Heritage Month: H. Con. Res. 364, to recognize the Significance of National Caribbean-American Heritage Month; **Pages H6777–80**

Expressing support for the designation of National GEAR UP Day: H. Res. 1311, to express support for the designation of National GEAR UP Day, by a 2/3 yea-and-nay vote of 385 yeas to 1 nay, Roll No. 513; **Pages H6781–83, H6794**

Supporting the goals and ideals of a National Guard Youth Challenge Day: H. Res. 1202, to support the goals and ideals of a National Guard Youth Challenge Day, by a 2/3 yea-and-nay vote of 388 yeas with none voting "nay", Roll No. 514; **Pages H6783–84, H6795**

Expressing support of the goals and ideals of National Carriage Driving Month: H. Res. 1128, to express support of the goals and ideals of National Carriage Driving Month; **Pages H6784–85**

Stan Lundine Post Office Building Designation Act: H.R. 6226, to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building"; and **Pages H6785–86**

Ronald Reagan Centennial Commission Act: H.R. 5235, amended, to establish the Ronald Reagan Centennial Commission. **Page H6786**

Passenger Rail Investment and Improvement Act of 2008: Agreed by unanimous consent that the House insist upon its amendment to S. 294, to reauthorize Amtrak, and request a conference with the Senate thereon. **Pages H6788–93**

Agreed to the Heller (NV) motion to instruct conferees on the bill by voice vote. **Pages H6788–93**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Representatives Oberstar, Corrine Brown (FL), Cummings, Capuano, Bishop (NY), Napolitano, Lipinski, Braley (IA), Arcuri, Mica, Petri, LaTourette, Brown (SC), Shuster, Mario Diaz-Balart (FL), and Westmoreland. **Page H6802**

From the Committee on Science and Technology, for consideration of secs. 105 and 305 of the Senate bill, and modifications committed to conference: Representatives Gordon (TN), Wu, and Gingrey. **Page H6803**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

National Energy Security Intelligence Act of 2008: H.R. 6545, to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues. **Pages H6796–S6801**

Election Assistance Commission Board of Advisors—Reappointment: Read a letter from Representative Boehner, Minority Leader, in which he reappointed Mr. Thomas A. Fuentes of Lake Forest, California to the Election Assistance Commission Board of Advisors. **Page H6801**

Presidential Message: Read a message from the President wherein he transmitted certification to Congress that the export to the People's Republic of China of certain listed items is not detrimental to the U.S. space launch industry—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–135). **Pages H6795–96**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on pages H6736, H6741, and H6749.

Senate Referrals: S. 2766, S. 3298, S. 901, and S. Con. Res. 94 were held at the desk; S. 3294 was referred to the Committee on the Judiciary. **Page H6822**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H6793, H6794, and H6795. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11 p.m.

Committee Meetings

ARMY MEDICAL ACTION PLAN

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Army Medical Action Plan: Is it Working? Testimony was heard from the following officials of the Department of the Army: GEN George W. Casey, Jr., USA, Chief of Staff, U.S. Army; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G–1, Headquarters, U.S. Army; LTG Robert Wilson, USA, U.S. Army Installation Management Command; MG David A. Rubenstein, USA, Deputy Surgeon General of the Army; and BG Gary H. Cheek, USA, Assistant Surgeon General, Warrior Care and Transition.

BUSINESS-EDUCATION SCIENCE PARTNERSHIPS

Committee on Education and Labor: Held a hearing on Innovation in Education through Business and Education STEM Partnerships. Testimony was heard from Phil Mickelson, Professional Golfer; Sally Ride, first American woman in space; and public witnesses.

STATE'S FEDERAL MEDICAL ASSISTANCE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "State Fiscal Relief: Protecting Health Coverage in an Economic Downturn." Testimony was heard from Robert Tannenwald, Vice President and Director, New England Public Policy Center, Federal Reserve Bank of Boston, Federal Reserve System; and public witnesses.

PROTECTING CONSUMERS THROUGH FORBEARANCE PROCEDURES ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "Issues in Telecommunications Competition," and on H.R. 3914, Protecting Consumers through Proper Forbearance Procedures Act. Testimony was heard from public witnesses.

CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 5501, THE TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Committee on Rules: Granted, by a nonrecord vote, a rule providing for consideration of the Senate amendment to H.R. 5501, the "Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008." The rule makes in order a motion by the Chairman of the Committee on Foreign Affairs to concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The rule further provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard from Representatives Lee and Ros-Lehtinen.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE HOUSE AMENDMENTS TO THE SENATE AMENDMENT TO H.R. 3221, THE AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of the Senate amendment to the House amendments to the Senate amendment to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. The rule makes in order a motion by the Chairman of the Committee on Financial Services to concur in the Senate amendment to the House amendment numbered one with the text of the House amendment printed in the report of the Committee on Rules. The rule waives all points of order against the motion and provides that the Senate amendment and the motion shall be considered as read. The rule provides two hours of debate on the motion, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides that upon adoption of the motion specified in the first section of the rule, the House shall be considered to have receded from any

remaining amendments or disagreements. The rule provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard from Chairman Frank of Massachusetts, Representatives Neal, Waters, Kaptur, Bachus and Garrett of New Jersey.

D.C.'S UNION STATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Union Station: A Comprehensive hearing on the Private Management, the Public Space, and the Intermodal Uses Present and Future. Testimony was heard from Emeka Moneme, Director, Department of Transportation, District of Columbia; and public witnesses.

Joint Meetings

KAZAKHSTAN'S FUTURE CHAIRMANSHIP

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Kazakhstan's preparation for its future chairmanship of the Organization for Security and Co-operation in Europe (OSEC) in 2010, focusing on plans, priorities, and challenges that face the OSEC region, after receiving testimony from Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; Askar Tazhiev, Embassy of Kazakhstan, and Martha Olcott, Carnegie Endowment for International Peace, both of Washington, D.C.; and Andrea Berg, Human Rights Watch, Berlin, Germany.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D915)*

H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI. Signed on July 21, 2008. (Public Law 110–280)

H.R. 3891, to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation. Signed on July 21, 2008. (Public Law 110–281)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 23, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: to hold oversight hearing to examine the adequacy of defense contracting in Iraq and Afghanistan, 10:30 a.m., SD–106.

Committee on Energy and Natural Resources: to hold hearings to examine the status of existing federal programs targeted at reducing gasoline demand, focusing on additional proposals for near-term gasoline demand reductions, 9:45 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the Midwest floods, focusing on ways to determine what happened and how to improve managing risk and responses in the future, 9:30 a.m., SD–406.

Committee on Finance: business meeting to consider S.J. Res. 44, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule set forth as requirements contained in the August 17, 2007, letter to State Health Officials from the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services and the State Health Official Letter 08–003, dated May 7, 2008, from such Center, and S.J. Res. 41, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of James Christopher Swan, of California, to be Ambassador to the Republic of Djibouti, Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of the Congo, W. Stuart Symington, of Missouri, to be Ambassador to the Republic of Rwanda, and John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, all of the Department of State, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Tatiana C. Gfoeller-Volkoff, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Richard G. Olson, Jr., of New Mexico, to be Ambassador to the United Arab Emirates, David D. Pearce, of Virginia, to be Ambassador to the People's Democratic Republic of Algeria, and Michele Jeanne Sison, of Maryland, to be Ambassador to the Republic of Lebanon, all of the Department of State, 1:30 p.m., SD–419.

Subcommittee on International Operations and Organizations, Democracy and Human Rights, to hold hearings to examine United Nations peacekeeping, focusing on opportunities and challenges, 3 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to continue hearings to examine childhood obesity, focusing on declining health of America's next generation (Part II), 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine information sharing, focusing on connecting the dots at the Federal, State, and Local levels, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the nominations of Carol A. Dalton, Anthony C. Epstein, and Heidi M. Pasichow, all of the District of Columbia, all to be an Associate Judge of the Superior Court of the District of Columbia, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine courting big business, focusing on the Supreme Court's recent decisions on corporate misconduct and laws regulating corporations, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of J. Patrick Rowan, of Maryland, and Jeffrey Leigh Sedgwick, of Massachusetts, both to be an Assistant Attorney General, Department of Justice, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States National Guard and Reserve members, 9:30 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine person-centered care, focusing on reforming services and bringing elderly citizens back to the heart of society, 11 a.m., SD–562.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the short- and long-term costs of hunger in America, 10 a.m., 1300 Longworth.

Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture, hearing to review the state of health care in rural areas and the role of federal programs in addressing rural health care needs, 2:30 p.m., 1300 Longworth.

Committee on Armed Services, hearing on the Comptroller General's progress report on Iraq, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on Don't Ask, Don't Tell Review, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, to mark up H.R. 6357, PRO(TECH)T Act of 2008, 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, hearing on China on the Eve of the Olympics, 9:30 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight, hearing and briefing on Possible Extension of the UN Mandate for Iraq: Options, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on the U.S. Department of Justice, 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills, H.R. 5853, Minute Man National Historical Park Boundary Revision Act; H.R. 6177, Rio Grande Wild and Scenic River Extension Act of 2008; H.R. 6159, Deafy Glade Exchange Act; H.R. 1847, National Trails System Willing Seller Act; and H.R. 5335, To amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes, 12:30 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, To consider the following measures: the Over-Classification Reduction Act; and the Controlled Unclassified Information Act, 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled "AFRICOM: Rationales, Roles, and Progress on the Eve of Operations—Part 2," 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on A National Water Initiative: Coordinating and Improving Federal Research on Water, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled "The Impact of Predators in Long-Term Care on Small Business Operators," 10 a.m., 1539 Rayburn.

Select Committee on Energy Independence and Global Warming, hearing entitled "Immediate Relief from High Oil Prices: Deploying the Strategic Petroleum Reserve," 9:15 a.m., 210 Cannon.

Joint Meetings

Joint Economic Committee: to hold hearings to examine skyrocketing household costs and falling home prices, focusing on ways to help American families out of this crisis, 10 a.m., SD–608.

Next Meeting of the **SENATE**

10 a.m., Wednesday, July 23

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 3268, Stop Excessive Energy Speculation Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 23

House Chamber

Program for Wednesday: Consideration of H.R. 3221—American Housing Rescue and Foreclosure Prevention Act of 2008 (Subject to a Rule) and H.R. 3999—The National Highway Bridge Reconstruction and Inspection Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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